# FACTORS AFFECTING PEACE NEGOTIATIONS IN RESOLVING ARMED CONFLICTS IN SUB-SAHARAN AFRICA

A thesis presented to the Faculty of the U.S. Army
Command and General Staff College in partial
fulfillment of the requirements for the
degree

MASTER OF MILITARY ART AND SCIENCE
General Studies

by

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2011-01

# REPORT DOCUMENTATION PAGE

*Form Approved*
*OMB No. 0704-0188*

| 1. REPORT DATE *(DD-MM-YYYY)* | 2. REPORT TYPE | 3. DATES COVERED *(From - To)* |
|---|---|---|
| 10-06-2011 | Master's Thesis | AUG 2010 – JUN 2011 |

| 4. TITLE AND SUBTITLE | 5a. CONTRACT NUMBER |
|---|---|
| Factors Affecting Peace Negotiations In Resolving Armed Conflicts In Sub-Saharan Africa | 5b. GRANT NUMBER |
| | 5c. PROGRAM ELEMENT NUMBER |
| 6. AUTHOR(S) | 5d. PROJECT NUMBER |
| Major Santurino Mashereka Tumuranzye, Uganda People's Defence Forces | 5e. TASK NUMBER |
| | 5f. WORK UNIT NUMBER |

| 7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) | 8. PERFORMING ORG REPORT NUMBER |
|---|---|
| U.S. Army Command and General Staff College ATTN: ATZL-SWD-GD Fort Leavenworth, KS 66027-2301 | |

| 9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES) | 10. SPONSOR/MONITOR'S ACRONYM(S) |
|---|---|
| | 11. SPONSOR/MONITOR'S REPORT NUMBER(S) |

**12. DISTRIBUTION / AVAILABILITY STATEMENT**
Approved for Public Release; Distribution is Unlimited

**13. SUPPLEMENTARY NOTES**

**14. ABSTRACT**
Sub-Saharan Africa continues to experience armed conflicts engineered by political elites that cause untold suffering and underdevelopment. The many years of armed confrontations often end in military stalemates. Consequently, peace negotiations are often the only viable alternative to peacefully resolve conflicts. However, peace negotiations are hard to organize and often their failure restarts armed conflict. Therefore, factors that bring warring parties to negotiations leading to an agreement are the subject of this study. The thesis uses two case studies: the successful North-South Sudan peace negotiations process that led to the signing of CPA on January 9, 2005 and the failed 2008 Juba peace talks held to resolve the Northern Uganda conflict. The analysis of the two peace negotiation processes exposes the essential factors for the success or failure of peace negotiations. This thesis explores the factors when available and applied at an appropriate time will enable peace negotiations to resolve armed conflicts in sub-Saharan Africa leading to long term political settlement.

**15. SUBJECT TERMS**
Armed conflicts, peace negotiations, sub-Saharan Africa, pre-negotiating conditions, outsiders, mediating efforts, and peace settlement.

| 16. SECURITY CLASSIFICATION OF: | | | 17. LIMITATION OF ABSTRACT | 18. NUMBER OF PAGES | 19a. NAME OF RESPONSIBLE PERSON |
|---|---|---|---|---|---|
| a. REPORT | b. ABSTRACT | c. THIS PAGE | | | 19b. PHONE NUMBER *(include area code)* |
| (U) | (U) | (U) | (U) | 134 | |

Standard Form 298 (Rev. 8-98)
Prescribed by ANSI Std. Z39.18

MASTER OF MILITARY ART AND SCIENCE

THESIS APPROVAL PAGE

Name of Candidate: Major Santurino Mashereka Tumuranzye

Thesis Title: Factors Affecting Peace Negotiations in Resolving Armed Conflicts in sub-Saharan Africa

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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement.)

ABSTRACT

FACTORS AFFECTING PEACE NEGOTIATIONS IN RESOLVING ARMED CONFLICTS IN SUB-SAHARAN AFRICA. By Major Santurino Mashereka Tumuranzye, 134 pages.

Africa in general and sub-Saharan Africa in particular, continues to experience armed conflicts engineered by political elites that cause untold suffering and underdevelopment. The many years of armed confrontations often end in military stalemates. Consequently, peace negotiations are often the only viable alternative to end armed conflicts.

However, peace negotiations processes are hard to organize and conduct and its failure often leads to re-start of armed conflict with disastrous effects. The factors that bring warring parties to the negotiations until an agreement is reached leading to long term political settlement in Africa are the subject of this thesis. The thesis uses two case studies: the successful North-South Sudan peace negotiations process that led to the signing of Comprehensive Peace Agreement on January 9, 2005 and the failed 2008 Juba peace talks to resolve the Northern Uganda conflict.

This thesis explores what factors when available and applied at an appropriate time will enable peace negotiations to succeed in resolving an armed conflict leading to long term political settlement. The research was able to identify effective mediation, composition and character of negotiating teams, the outsiders, the pre-negotiating conditions, and the management of the peace process as essential factors for any peace negotiations process to succeed. The study found out that the leadership of warring parties and financial resources that support the peace process do not have significant effect on the outcome of the peace negotiations process. The study concluded that no single essential factor contributes more than others to the success or failure of peace negotiations. They all contribute equally to make negotiations succeed or fail.

# ACKNOWLEDGEMENTS

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ACRONYMS

AU          African Union

CARL        Combined Arms Research Library

CPA         Comprehensive Peace Agreement

DoP         Declaration of Principles

DRC         Democratic Republic of Congo

GDP         Gross Domestic Product

GoS         Government of Sudan

GOSS        Government of Southern Sudan

GoU         Government of Uganda

GLR         Great Lakes Region

ICC         International Criminal Court

IGAD        Inter-Governmental Authority on Development

LRM/A       Lord's Resistance Movement/Army

NRM/A       National Resistance Movement/Army

OAU         Organization of African Unity

SAF         Sudan Armed Forces

SPLM/A      Sudan Peoples' Liberation Movement /Army

UN          United Nations

USA         United States of America

UK          United Kingdom

# ILLUSTRATIONS

TABLES

CHAPTER 1

INTRODUCTION

I dream of the realization of the unity of Africa, whereby its leaders combine in their efforts to solve the problems of this continent.
— Nelson Mandela, former President of South Africa.

This chapter analyzes the role of peace negotiations in resolving armed conflicts in Africa from 1990 to 2010, with an emphasis on its challenges in sub-Saharan Africa. It provides an overview of the historical background of armed conflicts in Africa in general and focuses on the preference for peace negotiations to resolve armed conflicts. It further points out that peaceful resolution of armed conflicts in sub-Saharan Africa is possible when the peace negotiations process is effectively and efficiently managed.

Background

Most African civil conflicts originated from liberation struggles for national political independence that began after World War II. By the mid 1970, many African countries had attained independence from their colonial masters and the civil conflicts that emerged immediately after independence were mainly internal wars engineered by political elites who were competing for political power and scarce economic resources based on ethnic rivalry (Keen 1998, 3). Though Africa has been dominated by conflicts, there has been a shift from conflicts between states to conflicts within states in form of internal conflicts, and civil wars (Kaldor, 1999). The common characteristic of many conflicts is that they often start within the boundaries of a single state and fighting spills over into neighboring states; get protracted for many years involving many actors mainly the government armed forces, insurgents, militias, warlords and criminal gangs, caused

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by ideological, governance, racial identity, and religious differences (Seguya, 2010). To date, conflicts continue as a result of the maxim that whoever controls state power in Africa, determines how the national resource is produced, divided and who is punished for not towing the government line. Wars are therefore waged to either acquire control of the government, wrestle concessions from those who have the political power or to prevent abuse of the state power (Nyormoi, 2007). Most civil wars and peace negotiations in Africa are all part of the struggle for the control of state power, waged because the distribution of resources at the top is not even (Busumtwi 1999, 259). By 2001, serious conflicts were ongoing in Angola, Algeria, Burundi, Guinea, Liberia, Congo Brazzaville, Democratic Republic of Congo (DRC), Rwanda, Sudan, Somalia, Senegal, Sierra Leone, and Uganda (Jackson 2002, 30).

During the Cold War era, conflicts in Africa were fueled by the different ideological camps between the socialists and capitalists who made Africa the battlefront and the final casualty (Aka, 1998). Despite high expectations of ending armed conflicts in Africa after the end of Cold War in early 1990, the advent of the post Cold War era led to more serious conflicts which continued to be an impediment to African development especially where conflicts go on for more than ten years as was in Angola, Somalia, Sudan, and Uganda. The major sources of conflict in Africa are blamed on the diversity and complexity of many ethnicities and tribes exploited by the political elites (Collier, et al. 2005).

The current armed conflicts in Africa are dominated by insurgents using guerrilla and terror tactics of hit and run tactics against civilians to undermine the dominant power while spilling violence over national borders, showing no possibility of ending armed

conflict in conditional surrender or military victories (Gentleman, 2010). As a result, civilians bear the burden as direct victims of fighting in form of atrocities, displacement and deprivation. In order to resolve the conflicts, warring parties resort to peace deals through negotiations that contain compromises over accountability despite rejection of impunity by the international community. Peace negotiations in Africa enable international criminals to gain a seat on negotiating table rather than being in the dock of criminal courts because the calls for peace often outweigh the calls for justice in sub-Saharan Africa (Daley, 2006).

After the end of Cold War, the United Nations (UN) started championing peace negotiations to resolve armed conflicts in Africa, by encouraging warring parties to negotiate and got actively involved in supporting peace negotiations processes of Angola, South Africa, Sudan, Mozambique, Uganda, and Democratic Republic of Congo (DRC), Rwanda among others, with varying degrees of success and failure. This was because peace negotiations were often effective in containing armed conflicts but not addressing the underlying causes (UNU 2007). Most often, negotiated peace settlements include pre-negotiating agreements on how the warring parties will explicitly regulate or resolve their basic incompatibility, intended to resolve disputes by reaching an agreement (Toft 2010, 10). To date, negotiation is preferred because it provides a useful and agreed upon outcome for both warring parties and provides a basis for better interactions to explore emotional and interpersonal dimensions of a conflict (Bercovitch, et al. 2009, 21).

The negotiations approach is regarded by most African elites (politicians, academicians, and policy makers) as the most civilized, cost effective and efficient way of resolving conflicts and securing peace in the long term since not all conflicts can be

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mitigated militarily (Bekoe 2005, 43). This is supported by the argument that people should not accept conflicts to continue forever and in consequence making people suffer (Ahtisaari, 2008). One of the lessons from previous peace negotiations effort in mitigating conflicts is that ―in the end you have to find a politically negotiated solution to any armed conflict" (Tale 2007). Negotiations provide a political blueprint for the future by involving compromises, consensus-building, developing a level of mutual trust, and seeking to successfully resolve protracted conflicts. The successful negotiations provide a new vision for inter-group and interstate stability at the regional, national, and local level (Anderlini 2000, 18).

Most African conflicts often turn violent as evidenced by the 1994 Rwandan genocide, the conflicts of Sierra Leone, Somalia, Angola, Democratic Republic of Congo, Sudan, and northern Uganda (Daley 2006). But the international community pays less attention even when these conflicts continue to subject many innocent lives to unbearable conditions. Anup notes that despite decades of armed conflicts, death and tragedy, coverage of the issues in Africa has often been ignored, oversimplified, or excessively focused on limited aspects (Anup 2010). This is supported by the allegations that the international community is not interested in resolving African conflicts by allowing them to develop under their watch and take long to be resolved. Mamdani notes that developed countries regard African conflicts as a representation of regression to pre-modern tribal societies and genocidal violence represents state failure linked to the greed or grievances of the political elite and their associated social groups (Mamdani 2002).

Peace Negotiations in sub-Saharan Africa

To date, peace continues to elude most parts of the African continent because of numerous unresolved politically oriented armed conflicts caused mainly by ineffective political leadership, political rivalry, poverty, ethnic antagonism, other forms of exclusion, marginalization, structural insecurity, and external influence in Africa (UNOSAA 2005). In order to resolve armed conflicts, peace negotiations have been preferred as the way out (PILPG 2006). But, the conduct of peace negotiations in Africa confirms the long held view that African politics is the domain of the international actors, the domestic political elite and armed movements, to the exclusion of civil communities because they are the main parties to negotiated agreements (Daley 2006). Whenever a conflict breaks out, it often ends by a negotiated settlement between the belligerents usually after a military stalemate has been reached. For conflicts where military victory worked, the cost was high in terms of lives lost and often led the defeated party to plan for more conflicts because the root causes of the conflict were often not addressed (Toft 2010).

The policy makers in Africa are grappling with the problem of using peace negotiations to resolve armed conflicts (Rupert, 2005). The challenge is how best to resolve armed conflicts using peace negotiations? (Morgan 2008, 6). African peace negotiations are often complicated due to the deadly pursuit of military victory by the warring parties even during negotiations and too many interests among the _real' international community (O'Toole, 1997). Hoglund notes that the biggest challenge facing warring parties at the negotiations table is not how to resolve disagreements, but designing a treaty that convinces the combatants to shed their partisan armies and

surrender to the government (Honglund et al. 2003). The warring parties in particular make peace negotiations rocky because they try to achieve at the negotiating table what they could not achieve on the battlefield; a clear victory (Onyango-Obbo 2007).

<u>Current Trends of Peace Negotiations in Africa</u>

Following the end of the Cold War, Africa became a theatre of violent conflicts from Burundi to Liberia, the DRC to Sierra Leone, Somalia to Rwanda and Guinea to Sudan where peace negotiations have been used with minimal success (Hagg et al. 2007, 12). Despite some successes, the unresolved conflicts continue to draw the attention and efforts of international and regional organizations like the Inter-Governmental Authority on Development (IGAD), influential personalities (Nelson Mandela, Kofi Annan), powerful countries (USA, France, United Kingdom), and international organizations (United Nations, European Union, and the African Union) due to the associated cruelty, death, suffering and hindrance of any meaningful development on the continent (Bercovitch et al. 2009, 33).

The negative impacts of the armed conflicts are summed up in the Oxfam report of 2007 ―Africa suffers enormously from conflict, and armed violence costs Africa around $ 18 billion per year" (IANSA 2007). This concurs with President Johnson-Sirleaf's claim that the devastation by armed violence in Africa is estimated at $300 billion since 1990 for the various conflicts that took place in Algeria, Angola, Burundi, Central African Republic, Chad, DRC, Cote d'Ivoire, Eritrea, Ethiopia, Ghana, Senegal, Sierra Leone, South Africa, Sudan, and Uganda, excluding the value for loss of life, livelihood, and destruction of infrastructure (Johnson-Sirleaf 2007). It is therefore hoped that peace negotiations will save such costs to further development on the continent.

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Hawkins notes that if this scale of destruction and fighting was in Europe, then people would be calling it World War III with the entire world rushing to report, provide aid, mediate and otherwise try to diffuse the situation. African conflicts, without the involvement of the western nations, seem not to be newsworthy enough to appear on international news agendas. The little coverage given only focuses on the brutality of the conflict and not possible solutions (Hawkins 2008).

Negotiations in Africa are pursued by international, regional, state and non-state actors fashioned by the standard formula of ceasefire agreements, transitional governments, demilitarization, constitutional reform, and democratic elections (Daley, 2006). These have at times produced peace agreements but without peace due to many interested mediators. Ould-Abdallah notes that the proliferation of mediators during peace negotiations has been instrumental in delaying agreement among protagonists because they bring a lot of considerable confusion regarding the role of international community and create opportunities for extremists to play one intermediary off against the other (Ould-Abdallah 2000, 131). This was true during the Angolan peace negotiations. They in particular misunderstood conditions on the ground and ended up drawing an unrealistic negotiations timetable (Gounden et al. n.d).

The ineffectiveness of post-independence peace negotiations in Africa is partly attributed to the principles of the defunct Organization of African Unity (OAU) 1969 Charter of ―non-interference in the internal affairs of member states and respect for the territorial integrity" (Daley 2006). As a result, the OAU did not resolve internal conflicts within member states. Peace negotiations assumed a prime role after 1990 due to the end of Cold War that deprived the United States and Soviet Union the incentives to provide

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arms to warring combatants in their proxy wars. Also, OAU was replaced with the African Union (AU) which set up the African Peace and Security Council in 2002 and recognized the right to intervene in a member state in cases of grave circumstances of war crimes, and genocide (Mekenkamp et al. 1999). And the United States, as the sole remaining superpower came under increasing national and international pressure to take moral responsibility to intervene diplomatically, economically and militarily to end some of the long standing African civil wars (Toft 2010, 14-15).

Negotiations have managed to contain most civil wars and are increasingly accepted as the preferred way of ending civil wars despite some negotiated settlements having a poor record of success (Bekoe 2005, 43). Negotiations require effective mediation which is important in minimizing obstacles during the negotiations process through arranging interactions between warring parties, controlling formal negotiations and structuring the agenda for the negotiations (Bercovitch et al. 2009). Assefa notes that despite the lack of knowledge about negotiations, there is no question about the tremendous need for it to resolve conflicts (Assefa n.d). For peace negotiations to be successful, warring parties must show true commitment to peace, build trust and show goodwill of trust, involve all parties to the conflict, and keep the spirit of change alive with genuine help from outside supporters (Nieuwhof et al. 2005). Bekoe notes that for peace agreements to be effective, agreements should contain provisions of extensive power sharing arrangements and international intervention for implementation to succeed (Bekoe 2005, 43). However, power sharing agreements in Africa violate the tenets of western democracy as politicians use its weaknesses to disrespect results of democratic elections with hopes of power sharing.

What is often ignored during peace negotiations is the source of weapons that sustain armed conflicts. There are claims that attempts to peacefully resolve conflicts in sub-Saharan Africa have not been successful partly due to the availability of assault weapons which are easily recycled from one conflict to another. The abundance of Kalashnikov assault rifles which come from outside Africa encourage warring parties to only pursue peace negotiations as a military strategy to attain political power (IANSA 2007).

<div align="center">Challenges of Peace Negotiations in Africa</div>

Most often, Africans prefer apportioning blame to others whenever peace negotiations fail, by pointing fingers on who is not doing enough to end the armed conflict. Failed peace negotiations tend to support those who argue that war should be given a chance, and military victory is the only way to securing durable peace (Toft 2010). Bishop Tutu notes that the UN, AU, and neighboring countries have often been too reluctant to confront tyrants, dictators and other war mongers (Villa-Vicencio 2009, xi). Despite many attempts to use peace negotiations to resolve armed conflicts, most agreements have often ended up restarting conflicts leading to more loss of lives (Toft 2010). Walter notes that negotiations have no chances to succeed unless warring parties are able to resolve the issues driving the armed conflict (Walter 2001, 6).

The many reasons advanced as to why peace talks in Africa fail include; lack of credible environment for dialogue, lack of a neutral mediator, lack of understanding and full commitment by the international community, and leadership of the warring parties (Akec 2007). Achema notes that the elites of Africa are the primary enemies of ordinary Africans for they have let Africa down badly (Achema 2010). But, peacemakers attribute

failure of negotiations to lack of political will among warring parties and the existence of spoilers who find wars more profitable (conflict entrepreneurs), politically and economically than peace (Haysom 2002).

While using peace negotiations is a civilized means of resolving conflicts, the process of reaching an agreed negotiated settlement is very problematic. The peace processes are often lengthy and difficult with many cease-fires negotiated to end civil wars resulting at times in a return to violence, sometimes worse than before (Gray 2009). Nobody appears to know the right approach to secure a negotiated peace agreement leading to long term stability. For any peace negotiations to be successful, all warring parties must possess an inherent and direct stake in the use of non-violent means of ending the conflict. The mediators should have a skillful intervention approach to persuade the warring parties to continue the peaceful process of non-violence in order to resolve the conflict (Mankerios 2003).

### Problem Statement

The political and governance systems, investments and economic growth in Africa are all at risk due to unresolved civil wars especially where outsiders are blamed for their escalation (Cleveland 2007). The Angolan conflict is a case in point where the United States and Russia supported different warring parties to the conflict thereby complicating any peaceful negotiations to end the conflict (Messiant 2004). What is more challenging in resolving African conflicts are the outsiders who do business with despotic African leaders while funding guerillas fighting the very leaders they wine and dine with (Dagne 2005). In some peace negotiations, efforts have often paid off after a series of failed protracted negotiations involving national and international mediators leading to

long term political settlements (Klopp 2004). Examples include South Africa (1990), Mozambique (1992), Burundi (2000), and Sudan (2005). Generally, for any peace negotiation to be regarded successful, it should have been able to reduce armed violence for not less than five years, and the root causes of the conflict addressed. This is possible only when negotiations are held at the ripe moment of the conflict (Zartman 1985, 220). The ripe moments are the conditions that make war less attractive and encourage warring parties to pursue compromise solutions (Walter 2001, 6).

The longer an armed conflict lasts, the more the likelihood of successful peace negotiations leading to enduring peace (Holsi 2008). This supports the stalemate idea as the most propitious condition for peace negotiations of any conflict to start (Zartman 2008). The importance of a ripe moment for any successful peace negotiations becomes vital when a series of peace negotiations attempts fail to resolve the conflict. Toft concurs by noting that ―since 1990, the preferred means for ending civil wars has been by negotiated settlements, though civil wars ended by negotiated settlements are more likely to recur partly due to lack of a ripe moment in the conflict" (Toft 2010, 7).

Negotiations to end armed conflicts are not easy processes and do not evolve into a single path or intervention that leads to a peaceful resolution. They are rocky with many challenges, and require caution in preparing for spoiler groups that have interest in sabotaging the negotiations process (Anderlini 2000, 18). Consequently, various conflicts in Africa require different approaches due to their complexity in organization, background causes, and complicated leadership. What works in one conflict is not necessarily applicable in another. Even though a peace negotiations process has associated challenges, it indicates the readiness of warring parties to resolve the dispute

(Annika et al. 2008, 5). Most often, negotiating a second peace agreement after one has failed is more costly in time, money and lives (O'Toole 2007). Spanner concurs by noting that every attempt to make peace in the Angolan civil war, that first broke out in 1975, failed until the Angola government forces succeeded in killing Jonas Savimbi, the leader of the Union for the Total Independence of Angola (UNITA) 27 years later, which would seem to recommend military victory as the most effective way to resolve conflicts (Spanner 2004).

In organizing peace negotiations, the international community, individuals, institutions, governments and civil society play various roles to ensure warring parties agree on amicable solution to the armed conflict (Lynos et al. 2008). They get involved in setting the peace negotiations' agenda, acting as official third party mediators, facilitators, and trusted brokers, sponsoring and hosting peace negotiations, offering support and encouraging warring parties to negotiate, and establishing verification mechanisms for the implementation of the accord (Toft 2010, 3). However, some external actors use the peace negotiations process to pursue their own interests which are not always constructive to the overall peace negotiations process (Hagg et al. 2007, 14). They thus end up being spoilers of the peace negotiations process.

The generally accepted view is that peace negotiations present the best opportunity to end armed conflicts, especially where the process is owned by the whole community with features of inclusiveness, openness and common ownership (Mohamed 2008). The strength of peace negotiations is in addressing the root causes of the conflict, offering a confidential process, helping warring parties to think possible solutions and working towards dispute resolution than seeing one side win (Zartman 1985). For

negotiations to succeed, Moore recommends that important conditions should exist: warring parties must be willing and ready to negotiate, issues to negotiate must be negotiable, resources to facilitate negotiations should be available, external mediators and facilitators supporting negotiations are available, and there is a sense of urgency to end the conflict (Moore n.d). The important lesson for peace negotiations to be successful is summarized by the former President of South Africa, Nelson Mandela, who noted that nobody should be sidelined during the peace negotiations process that can create instability in the country (BBC News 1999). But how do you include everybody? Even determining who the warring parties are, what their historical relationship is, and who should be represented at the negotiating table is not always an easy task (Bercovitch et al. 2009).

Therefore, there are many factors that may determine the outcome of the peace negotiations process: the nature of the conflict, the quality of negotiating parties, the mediators, the context of peace negotiations, external influence, pre negotiating conditions (timing), resources, leadership, and the processes that facilitate the holding of peace negotiations (Nitze 2010). What is hard to comprehend is the impact of each factor on the success or failure of the peace negotiations process in resolving a conflict. The challenge is identifying the key factors that enable successful peace negotiations to resolve an armed conflict. This thesis attempts to identify key factors or conditions that, when available and applied at an appropriate time and level, enable peace negotiations to resolve armed conflicts leading to long term political settlement in sub-Saharan Africa.

## Research Question

### The Primary Question

What factors facilitate peace negotiations in resolving armed conflicts leading to long term political settlement in sub-Saharan Africa? The focus of this thesis is to determine if there are any key factors that influence the outcome of the peace negotiations process in sub-Saharan Africa. A comparison of two case studies; one successful and one failed peace negotiations around the Great Lakes Region (GLR) of sub-Saharan Africa are used to assist in analyzing the role of the following variables in the peace negotiations process aimed at resolving armed conflicts:

1. Effective mediation.

2. Character and capacity of negotiating teams.

3. Influence of outsiders.

4. Leadership effect of the warring parties.

5. Pre-negotiating conditions.

6. Management of the negotiations process.

7. Resources that support the negotiations process.

### Secondary Questions

In answering the primary question of this thesis, the following secondary questions will be answered:

1. What is the role of peace negotiations in resolving armed conflicts?

2. What are the components of peace negotiations process?

3. How are they applicable in peace negotiations in sub-Saharan Africa?

4. What is the current strategy of peace negotiations to resolve armed conflicts in

Sub-Saharan Africa?

5. What are the mobilizing and demobilizing factors for peace negotiations in sub-

Saharan Africa?

6. What relationships exist between successful and failed peace negotiations?

7. What other alternatives if any, are applicable to resolving conflicts in sub-

Saharan Africa?

8. What are the impacts of failed peace negotiations on any armed conflict?

<u>Theoretical Construction of Peace Negotiations</u>

Theory helps to build, select, and interpret facts. The analysis of the 2005

Comprehensive Peace Agreement (CPA) in resolving the North-South Sudan conflict and

the 2006 to 2008 Juba peace talks to resolve the Northern Uganda conflict is based on a

broader theoretical framework that assists in determining contributing factors to the

success or failure of peace negotiations. Negotiation is a formal version of conflict

resolution necessary for warring parties to resolve intricate differences, aimed at building

a shared environment that promotes long term resolution of the conflict involving a

neutral party as a mediator to keep warring parties focused on issues. This makes

negotiation a theoretical process of integration that evolves and under goes successive

stages of pre negotiation, stalemate and settlement (Beriker-Atiyas, et al 2001). This

implies that the peace negotiation process is a divided process of successive stages that

starts when warring parties make the first contacts and the outcome largely depends on

the performance of the various actors at different stages.

This thesis is based on the hypothesis that despite military victories, armed conflicts will often emerge in countries where peace negotiations are not used to resolve conflicts. Without a model for peace negotiations, the peace process will continuously remain a challenge to peacemakers who do not support military victories as solutions to conflicts.

Thesis Organization

This thesis is organized as follows; chapter 1 is an introduction that examines the general background of armed conflicts in sub-Saharan Africa. It points out the applicability of peace negotiations in resolving armed conflicts leading to long term political settlement. Chapter 2 is literature review that analyzes the views of various Scholars, Academicians and Researchers on the factors that affect peace negotiations. Chapter 3 examines the methodology used in data and information collection. It further points out the assessment criteria for the variables selected. Chapter 4 analyzes the effectiveness of the various variables on the successful North-South Sudan peace negotiations and the failed Juba peace negotiations to resolve the northern Uganda conflict. Chapter 5 presents conclusions and recommendations. It also points out areas for further research.

Assumptions

This thesis is based on the following assumptions:

1. Armed conflicts in Africa are problematic and cannot be resolved militarily.

2. All armed conflicts in Africa are negotiable.

3. Peace negotiations are possible after warring parties have reached a military stalemate.

Definition of Key Terms

In order to have common reference and increased clarity, the following key terms are defined:

Armed conflict: A war phenomenon of organized violence typified by extreme aggression, societal disruption, and high mortality.

Great Lakes Region of Africa: The group of states within or bordering the Great Rift Valley system of East and Central Africa in accordance with Lusaka Peace Agreement of 1999. They include Burundi, DRC, Uganda, Kenya, Tanzania, Malawi, Mozambique, Ethiopia, Namibia, Angola, and Sudan.

IGAD: This is a regional organization that comprises the countries of Eritrea, Ethiopia, Sudan, Kenya, Djibouti, Somalia, and Uganda.

Mediation: An act by a neutral party of bringing warring parties together or closer to negotiate an agreement, a compromise or settlement on a matter of common interest.

Negotiations: A problem solving process in which warring parties voluntarily discuss their differences and attempt to reach a joint decision.

Peace agreement: Refers to a formal commitment between warring parties to end an armed conflict.

Peace negotiation process: The diplomatic and political efforts to negotiate a resolution to a long standing armed conflict.

Peace negotiation: A discussion or series of organized discussions between warring groups attempting to end hostilities.

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Spoilers: Those who actively seek to hinder, delay or undermine conflict settlement.

Sub- Saharan Africa: An area of the African continent which lies south of the Sahara desert or African countries which are fully or partially located south of the Sahara desert.

## Limitations

This research is limited to peace negotiations processes initiated to resolve armed conflicts around the Great Lakes Region (GLR) of sub-Saharan Africa. It does not discuss the implementation of the peace agreements. The period covered is from 1990 to 2010 implying that any new development occurring in the field of study before 1990 and after 2010 is not covered. The research does not aim at making a complete analysis of all peace negotiations processes in the Sudan conflict and Northern Uganda conflict. It only concentrates on the last peace negotiations process.

The researcher was unable to visit the African countries of Sudan and Uganda, which are covered under the case studies, due to time constraint. He was also unable to; access and review the peace process classified documents, and failed to interview vital personalities like mediators and leaders of warring parties that participated in the peace processes who would have enriched the research. However, even though the researcher was not directly involved in the peace process, his long time service of more than ten years experience in Northern Uganda and Southern Sudan led him to formally and informally interact closely with most officials in Northern Uganda and Southern Sudan who were knowledgeable on the negotiated North-South Sudan conflict and the failed Juba peace negotiations. The researcher's university education training in conflict

management provided him with insights on the challenges of applying peace negotiations in resolving armed conflicts in Africa. The researcher further gathered more secondary information from books, United Nations documents, periodicals, journals accessible in the Combined Arms Research Library (CARL) and internet sources.

This research does not cover peace negotiations outside the Great Lakes Region (GLR) of Africa, but cites some peace negotiations as examples where applicable and necessary. This allows concentration on the peace negotiations that took place in the GLR of sub-Saharan Africa. The CARL at Fort Leavenworth, Kansas has significant related literature on conflict resolution but does not significantly focus on the key factors that determine the success or failure of peace negotiations in resolving armed conflicts in the GLR of sub-Saharan Africa. This supports the argument that peace negotiations processes in the GLR have not been academically studied comprehensively by independent researchers. Much of the information used in this research is from open sources in CARL and the internet hence, no classified information is included.

## Delimitations

This thesis has the following delimitations. First, the purpose of the thesis is not to pass a judgment on the various peace negotiations processes that have been initiated in the GLR of Africa to resolve armed conflicts. It does not even question the ability of peace negotiations to resolve armed conflicts. Second, it does not take a position on which factor is more important during the peace negotiations process nor does it discuss the difficulties of implementing the negotiated agreements. Its main objective is to identify key factors or conditions that enable the peace negotiations process to successfully resolve armed conflicts in sub-Saharan Africa. It intends to identify the

factors that when available, enable successful peace negotiations leading to political settlement. It is hoped that this will assist in making recommendations for further actions that are beneficial to reinforce the ongoing and future peace negotiations processes leading to long term political settlement in sub-Saharan Africa.

## Significance of the Study

The objective of this thesis is to identify the factors or conditions that facilitate the peace negotiations process in resolving armed conflicts in sub-Saharan Africa. The study attempts an understanding on the basic problems encountered in using peace negotiations to resolve armed conflicts in Africa in order to suggest possible solutions. It provides counter arguments advanced by those who say ―give war a chance‖ as the best approach to resolving armed conflicts in Africa. The researcher will suggest possible recommendations to reinforce actions that are more likely to make peace negotiations more effective in resolving armed conflicts in Africa. The goal is to provide the ongoing and future peace negotiations processes with an analytical framework that could be used to reinforce the ongoing peace negotiations in order to more effectively resolve armed conflicts and enable quick return to civil order.

## Summary and Conclusion

The African continent continues to be dominated by protracted armed conflicts that cause untold suffering and hinder any meaningful development. The option of warring parties resolving conflicts militarily has proved costly in terms of monetary and human resources, and does not address the root causes of the problem. Due to the limitations of military victories, the only effective option available is encouraging the

warring parties to engage in peaceful negotiations. However, peace negotiations processes cannot simply resolve a conflict due to the many challenges involved. Most often, it is after a series of peace negotiations that an agreement is reached. Lessons learned from failed peace negotiations processes are helpful in providing a focus for enhancing future negotiations. What is clear is that some conditions must be in place first (pre-negotiation conditions, like a military stalemate) for peace negotiations to begin. When combined with a number of other factors, peace negotiations are likely to resolve armed conflicts leading to a long term political settlement.

Chapter 2 is literature review. It presents the relevant literature associated with peace negotiations processes, and approaches to conflict resolution in Africa. It covers the effect of every identified variable on the peace negotiations process in resolving conflicts, hence providing an insight on the challenges of peace negotiations in resolving armed conflicts.

CHAPTER 2

LITERATURE REVIEW

Chapter 1 of this thesis is an introductory chapter that emphasizes the effects of un- resolved armed conflicts in sub-Saharan Africa. It points out that military victory does not lead to conflict resolution because it does not address the root causes of the conflict. Consequently, peace negotiations become the only viable option to resolve the conflicts. The chapter further highlights the challenges of the peace negotiations in resolving armed conflicts in sub-Saharan Africa and also introduces key terminologies used in this research to enhance a common understanding of the subject matter.

Chapter 2 provides an overview of the literature on peace negotiations and summarizes the views of influential works researched for this thesis on various selected variables that will be used during the methodology discussion in chapter 3. The purpose is to gain an appreciation of the depth and breadth of the existing material on the factors that enable peace negotiations to succeed or fail in resolving conflicts. The covered relevant literature is helpful to answer the primary and secondary questions presented in chapter 1. Many academicians, researchers have extensively written on peace negotiations with various points of emphasis, conflicting arguments and with different conclusions. While there is no universally accepted model for conducting peace negotiations, this thesis points out common factors that are emphasized by various researchers and Academicians.

The related literature is discussed based on the following variables:

1. Effective mediation.

2. Character and capacity of negotiating teams.

3. Influence of outsiders.

4. Leadership effect of the warring parties.

5. Pre-negotiating conditions.

6. Management of the negotiations process.

7. Resources that support the negotiations process.

Each case study in the methodology of this research will be analyzed according to the above selected variables. It is worth noting that no single variable can determine the outcome of any peace negotiations process but a combination of many factors. Analysis of the selected variables in the two case studies and how they relate to each other during the negotiations process is the focus of chapter 4.

Effective Mediation

Mediation is a very important factor in resolving complex, difficult and asymmetric international conflicts, suited to a heterogeneous environment, with multiple actors, wide disparities, and insistence on some formalized rules of interaction (Bercovitch et al. 2009, 32). In Africa, civil wars are complex to mediate because the protagonists share the same geographical area, community and are quite difficult to separate since boundaries between them are very difficult to draw (Assefa n.d). Mediation in sub-Saharan Africa has been used to resolve conflicts in Angola, Burundi, DRC, Somalia, Rwanda, Sudan, and Uganda with mixed results. This is because warring parties cannot peacefully negotiate by themselves without a third party assisting them in breaking the deadlock (Nitze 2010). This implies that every peace negotiations process requires mediation. In mediation, the decision and agreement of the conflicting parties determines how the conflict is resolved.

The ability of a mediator to overcome bargaining problems and help the warring parties to reach an agreement is crucial. The mediator's role is to assist the warring parties in resolving their differences, developing a shared understanding of the conflict, and working toward a practical and lasting resolution (Annika et al. 2008, 5). During the peace negotiations process, the mediator is also known as the facilitator and a third party to the conflict, whose first priority is to broker a cease fire agreement between the warring parties, assist in giving missing information, transmitting messages, highlighting common interests, and encouraging meaningful communication amongst warring parties (Walter 2002, 14).

The character of the mediator is very important in influencing the warring parties to agree on important issues that formed the background causes of the armed conflict. Peace negotiations processes are very difficult, stormy and stony requiring a lot of mediation patience especially if the conflict has been ongoing for a long time, averaging more than ten years. This is partly due to mediation being less developed in Africa and institutions, and resources devoted to its advancement are meager (Assefa n.d). The mediator should be knowledgeable and keen about the conflict, educated enough on the underlying causes, conversant with the character of warring parties, and is aware of all those with other varying interests in the conflict (Bercovitch et al. 2009, 22).

The U.S. Secretary of State Hillary Clinton noted on the Israel-Palestinian talks that ―there have been difficulties in the past and there will be difficulties ahead. Without a doubt, we will hit more obstacles but i ask the parties to persevere, to keep moving forward even through difficult times, and to continue working to achieve a just and

lasting peace in the region" (Lee et al. 2010). This presents the major role of a mediator as of encouraging the warring parties to continue negotiating.

The mediator's integrity and humility are essential in the middle of negotiations, especially personal qualities of tact, intelligence, persuasiveness, humility, and patience (Richardson et al. 1992, 9). The mediator guides the negotiating teams to distinguish between issues, positions, and interests that are likely to affect the outcome of the negotiations process (Bercovitch et al. 2009, 22). This requires him/her to be wholly impartial during the peace negotiations process with known ethics, integrity and being very forthright. This is the main challenge for most mediators in African conflicts. The mediator acts as the midwife to the peace negotiations process and intervenes in a conflict as a third-party diplomat (Newman et al. 2006). The mediator should also possess a clear mandate to intervene, with interests and stakes in the conflict such as political or military stability, and is invited by both parties to intervene (Nan 2003, 3). Mediators should be individuals with a great deal of influence in the international community, with some relevant power and authority or legitimacy in the eyes of the warring parties due to their personal skills as go-betweens, and with abilities to provide a voice for victims of the armed conflict.(Hagg et al. 2007, 18).

One of the challenges for peace mediators is being a gate-keeper of the negotiations process between the actual process, many observers, special envoys, regional actors, and global states who want to influence the negotiations process. The mediator often battles with diplomats to protect the negotiations from being manipulated too much by external pressure (Annika et al. 2008, 5). Therefore, the success or failure of any peace negotiations process is partly determined by the type and efforts of mediation.

There is need for the mediator to provide careful assistance to warring parties in developing a shared understanding of the conflict and working toward building a practical and lasting resolution (Toft 2010). This however depends on his position, resources, and competencies he brings to bear on the warring parties, the context of the conflict, the issues at stake, and the nature of their interaction (Bercovitch et al. 2009, 34).

There are arguments that African conflicts need African chief mediators because of their first hand experience, having a keen sense of the African political, cultural and military realities at hand but reinforced with possible experts in mediation irrespective of their nationality (Annika et al. 2008, 5). This may be relevant, but is not a guarantee for successful negotiations. Zartman insists that mediation efforts have often averted several undesirable first track outcomes that direct pressure on the warring parties to resolve the conflict (Zartman 1985, 225). Africa in general, lacks home grown mediators with critical skills international influence, and experience in mediation to be trusted as neutral parties during the negotiations process (Stedman 2001). Nyormoi notes that the Juba peace talks between the Government of Uganda (GoU) and the Lord's Resistance Army (LRA), mediated by Government of Southern Sudan (GoSS) failed because the mediator largely did not have international influence (Nyormoi, 2007).

Most emerging conflicts in Africa are hard to mediate because they lack ideological goals and are largely internal civil wars (Hagg et al. 2007, 14). Issues to negotiate revolve around political power sharing complete control of a country that includes the overthrow of the political and economic systems (Walter 2002, 6). Jones notes that men, without women, come to negotiating table to carve up a country's

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military, political and financial pie, then, proclaim the resulting deal ―peace" (Jones 2011). Even when the United Nations Security Council resolution 1325 calls for women participation equally and fully at decision making levels in all processes of conflict resolution, peacemaking and reconstruction, African women have shown little interest in handling the mediation role, leaving it to men who always look for one side to win over the opponent (Ndeye 2006). There is need to find out why women are not interested in the mediation role in resolving armed conflicts.

In some conflicts, there has been a tendency of mediators to often recommend power sharing agreements as a means of resolving political stalemates to achieve and secure peace in the long run (Mauro 2007). The institutionalization of this practice, for the sake of peace, is likely to create incentive structures for any would-be leader to embark on the insurgent path and contribute to a reproduction of insurgent violence (Tull et al. 2005). Despite challenges, mediation generally plays a big role by providing a basis for long-term conflict resolution when carefully handled by statesmen of credible character (Knudsen et al. 2000).

<u>Character and Capacity of Negotiating Teams</u>

Peace negotiations processes take a lot of time and require people with special skills in negotiation, with virtues of patience, and a willingness to listen due to the importance of discussion issues that are likely to complicate the decision making process to reach an agreement (Daley 2006). The issues likely to affect the capacity of negotiating teams include the difficulty in identifying the relevant interlocutors, incompatible negotiating styles, the significance of negotiating venues, and the divergent objectives of the warring sides (Barry 2009). Therefore, the composition of negotiating

teams determines the seriousness of the warring parties to resolve their conflicts peacefully.

A good negotiating team will be vital for the negotiations when it is comprised of people with technical knowledge, with good relationship skills, patience, observational and analytical skills, articulate enough, good team players with visible presence of mind to handle complex issues, and the ability to offer comprehensive solutions during the process of negotiations (Naik 2010). Negotiators should have an understanding of the basic negotiations substance, able to agree over issues with best alternatives to negotiated agreement, know the reservation point, and have the best possible outcome in situations of the worst case scenario (Wertheim 1996, 381). This means that negotiators determine the nature of the negotiations process, whether principled, hard or soft. Principled negotiations imply that the team has problem solvers who look for the wise outcome, able to separate people from the problem, soft on people but hard on problems, explore interests, invent options for mutual gain, insist on objective criteria, try to reach consensus based on standards, and yield only to principle and not pressure (Wertheim 1996, 390). The composition of the negotiating teams, therefore, is crucial in ensuring the success of the peace negotiations process because it is not who facilitates that is responsible for the success or failure of negotiations, but who negotiates (Annika et al. 2008, 5).

For negotiating parties to contribute to a successful outcome of the peace process, majority need to be key political actors in their own right with influence, strong interests in resolving the conflict, and contribute substantially in terms of financial resources to the negotiations process (Richardson et al. 1992). Negotiating teams are very influential in

furthering their party's interests, influencing the mediators, and the international community during the negotiations process. Zartman notes that negotiators come in when the conflict is ripe for negotiation after warring parties have reached a stalemate and the unilateral means of achieving a satisfactory result are blocked. When ripeness is lacking, negotiations will not take off (Zartman 2008). This is what makes ―ripeness" or ―timing" probably the most important aspect of getting negotiations started (Spanner n.d). The main problem in most peace negotiations is that the negotiating teams are not inclusive enough, not carefully composed, often very weak, and lack the capacity to make decisions on core issues at the negotiating table (Toft 2010). The North-South Sudan peace negotiations progressed only when Colonel John Garang (SPLM) and the Vice President of Sudan got involved in direct negotiations since they could make final decisions on behalf of the warring parties (Annika et al. 2008, 5).

Most negotiating teams in African conflicts are less knowledgeable on the issues of negotiations and regard compromise as a big weakness hence, end up becoming spoilers. They do not prepare enough for negotiations and do not have alternative positions to resolve pressing issues (Yoh 2003). Until negotiating parties understand the meaning of principled negotiations, peace negotiations will remain rocky.

<u>Influence of Outsiders</u>

The common outside actors involved in peace negotiations in Africa are the UN, AU, powerful states (US, Britain, and France), sub regional organizations like IGAD, religious, and humanitarian organizations. The outsiders at times contribute in making peace negotiations difficult because of their unnecessary interference in the process and are often blamed for lack of understanding and full commitment to the peace negotiations

process in Africa when peace talks fail (Sudan Tribune 2008). The duplicitous role of the international community in Africa has contributed to delayed responses in resolving conflicts. They get active in the negotiations with different agendas, and some operate opportunistically. Daley notes that Western governments have a history of being implicated in African conflicts that complicate efforts of peaceful negotiations to resolve conflicts (Daley 2006). However, the outsiders assist in mobilizing financial resources that enable the negotiations process to take off and encourage warring parties to peacefully resolve their differences (Keen 1998). Outsiders make many financial promises, usually of increased economic assistance, which provides incentives to the negotiating parties to quickly reach an agreement and stop the fighting (Rothchild et al. 2005).

Due to the fact that outsiders financially facilitate the negotiations process, they sometimes put a lot of pressure on the negotiations process to ensure success. They fail to recognize and appreciate that negotiating peace is a very difficult task and requires a lot of patience to allow for any impasse that may develop to be resolved until a final agreement is reached. In Africa, peace negotiations historically take between two to five years to complete (Nyormoi 2007). There are outsiders who are spoilers of the peace negotiations process, interested in fueling conflicts through trafficking in precious resources (minerals) to supply arms to the warring parties they favor thereby making conflicts more difficult to resolve through negotiations (Haysom 2002). The world's most powerful states have failed to show an appropriate level of concern or recognize the horror, suffering, and hardship that automatic rapid assault rifles have brought to lesser developed countries, especially in Africa (Rebirth Africa 2000). World powerful

countries could indirectly help to facilitate a peaceful resolution of many African conflicts through putting up measures to fight the illegal trade of weapons and resources that fuel conflict. This is one of the many aspects commonly ignored during peace negotiations as warring parties find it cheaper to acquire small and light weapons to start and perpetuate armed conflicts on the continent confirming why African conflicts are most often hard to negotiate and resolve (O'Toole 1997). There are some desperate efforts to stop more violence and bloodshed in Africa through collecting and burning guns to ensure rifles do not get recycled into other conflicts. This practice is being encouraged in most countries of the GLR of sub-Saharan Africa that have witnessed protracted civil wars for many years (O'Grady 1999).

The permeable borders of most African countries fuel external support from neighboring countries by providing logistical and military support. Neighboring countries to the warring parties are crucial to the negotiations processes. Kutesa notes that the Great Lakes Region (GLR) of Africa exhibited one of the most complicated situations in the history of conflicts in Africa because none of the conflicts in the region can be resolved without reference to the other(s), because they are intertwined (Kutesa 2009, 7). This means that neighboring countries should be treated as interested parties to the conflict as a means of getting them involved in the peace process because civil wars in Africa are linked to complex wars taking place in neighboring countries (Coquery-Vidrovitch 1992). The civil war in Somalia has come to be linked to the long standing conflict between Ethiopia and Eritrea, with both protagonists underwriting and backing rival forces within the country (Hagg et al. 2007, 14). During the civil conflict, outsiders provide sanctuary and logistical support to the warring parties. For example, in the

Mozambique civil conflict, Zimbabwe supported the government of Mozambique, while South Africa supported the rebels of Mozambican National Resistance (RENAMO) (Kornprobst 2002). The Catholic Church played an important role through the organization of Sant'Egidio in enabling warring parties in Mozambique to negotiate (Kornprobst 2002). But, lack of unity within the international community during peace negotiations in Africa makes the process extra difficult (Daley 2006).

The importance of withdrawing essential state sponsorship to warring parties is vital in crippling any insurgency, and typically leads to defeat or impartial support that presages defeat (Connable et al. 2010, xiii). When all warring parties have strong external support, the situation easily gets to a stalemate, but after a long time of military fighting. In Angola's case, the National Union for the Total Independence of Angola (UNITA), led by Jonas Savimbi, received support from many countries, including the United States, while the People's Movement for the Liberation of Angola (MPLA), led by Dos-Santos got support from Cuba and the Soviet Union (Messiant 2004). In the Ugandan conflict, the Lord's Resistance Army (LRA) was provided sanctuary, critical logistical supplies, and equipment for operations by the Government of Sudan while the SPLM got big support from Uganda (Annika et al. 2008). Therefore, for peace negotiations to be effective in resolving conflicts, the negotiation process should incorporate neighboring states of the warring parties and address their concerns (Mankerios 2003).

<u>Leadership Effect of the Warring Parties</u>

Leaders of the warring parties play an important role during the negotiations process. Dagne notes that negotiations are likely to fail when leaders of warring parties mistrust each other and show political unwillingness to end the conflicts through

negotiations (Dagne 2010). Leaders of warring parties determine issues to negotiate, determine the composition of the negotiation teams, determine who the mediator, and have a key role in positively setting pre-negotiating conditions that are essential to the start of the negotiations process. Until the leaders firmly communicate that they accept to end the conflict peacefully, the results of negotiations process will always be illusory (Tale 2007). For example, the gravitas of Jonas Savimbi's presence in various Angola peace negotiations largely determined the destiny of the negotiations (Gounden et al. n.d). The Juba peace talks in the Ugandan conflict partly failed because the leader of the LRA, Joseph Kony, felt that the indictments by International Criminal Court (ICC) would still be in effect even after negotiations (Dagne 2010). This led him to have very little personal motivation to the agreed terms during the negotiations process. Nyormoi notes that the demise of Juba peace talks in 2007 was signaled with the surprise visit of President Museveni of Uganda, ostensibly to boost the talks, but who instead held marathon meetings with Southern Sudanese government officials and took a break only to admonish the LRA delegation (Nyormoi 2007).Therefore, for peace negotiations to end violence and prevent a relapse into war, leaders of warring parties should continuously accept the provisions in the agreements for reforming and strengthening governmental institutions and promoting political participation (Toft 2010).

The current trend of political pluralism in most African countries is geared towards providing avenues for political competition to remove possible grounds that encourage avenues for conflicts. One of the challenges is that a majority of African politicians only pay lip service to the concept of democracy and political elections which often engineer and sow seeds of further violence on the continent (Kagwanga et al. 2001).

African political leaders are unwilling to unclench their fist and often think that they are more important than their countries (Toft 2010). This becomes problematic when the influence of the leaders determines peace mediated agreements to contain sincere commitments and concerted peaceful actions in the post conflict arrangement in respect to democratization, good governance, and sustainable development (Walter 2007).

The problems with African conflicts are the elites fighting for political power based on their tribal and ethnic background. For example the Sudanese state recruited tribal militia to terrorize civilian populations in a move that contributed to the tribalization of politics (Salih 1989). Such a situation is common amongst many African countries. While the elites are the most educated, majority from western universities, they always take advantage of the ignorance and high poverty levels of the local populace to ignite conflicts in their countries. They use tribal authorities as agents of political violence as was in the cases of Nigeria, Cameroon, Kenya, Malawi and South Africa (Hagg et al. 2007, 13). The challenge in most peace negotiations is the failure of politicians to accept the values of Western liberal democracy as a means of determining the political composition of new government leaders in most countries (Daley 2006). Western democracy is very expensive and seen as unaffordable and irrelevant in African conditions where the majority of the citizens are illiterate and poor. This supports the argument that leaders of warring parties use peace negotiations as a means of not achieving peace but as a route to obtain political power through blackmail or preparing for war as was the case in Angola negotiations of 1991 (Messiant 2004).

To avoid future political conflicts, some peace makers have encouraged negotiations especially when conflicts stem from disputed results of the democratic

elections. This has often led to power sharing pacts which only look good on paper, but contain seeds for future tensions especially where next elections are involved (Sisk 1995). The common African has no problem with other fellow Africans but the real problems are amongst the educated and political elites who mislead and engineer conflicts in pursuit of political power. Peace negotiations and agreements should therefore promise sufficient harm to the leaders of either side in the event of violating conditions of the agreement (Toft 2010, 149). Because leaders pursue peace negotiations for different reasons amidst high levels of mistrust with each other, efforts to resolve conflicts through negotiations, no matter what, remain largely cosmetic. Leaders of warring parties use negotiations to trade-off time for re-organization of forces and mobilizing needed logistics to continue the conflict to achieve political power (Maiese 2003).

<div align="center">Pre-Negotiating Conditions</div>

The prevailing conditions before peace negotiations start play a vital role in influencing the outcome of the peace process. Ross notes that establishing the conditions for effective peacemaking in severe ethnic conflicts is a critical first step in developing preconditions which convince competing groups that the opponent is worth talking to, that it is possible to create structural changes conducive to stable peace, and that an agreement is possible to address each side's basic concerns and needs (Ross 2000).

Pre-negotiating conditions favor and lay a foundation for further negotiations especially when all warring parties accept that the solution for the conflict is through negotiations after a mutually hurting stalemate (Zartman 2008). Adams advances some commandments for negotiations to start: knowing who you are dealing with, negotiating

with only decision makers, timing is important, preparation, knowing the important issues that are not up for compromise, understand your contribution margin, give in slowly and reluctantly, never negotiate piecemeal, be humble and an advocate of win-win, and ensure the final agreement is all inclusive (Adams 2006). It can therefore be argued that the failure or success of peace negotiations to some extent depends on how these commandments are followed. ). This is supported by Hunter who proposes three Ts (Trust, Time, and Tactics) to form the negotiations strategy before negotiations take off (Hunter 2005).

Pre-negotiating agreements determine the flow of the negotiations process, procedural issues such as schedules, agendas, participants and locations, as well as the peace mediator's role and the procedure for drafting later framework or comprehensive agreements (Yawanarajah et al. 2003). Important activities handled during pre-negotiations include evaluating and selecting a strategy to guide negotiations, making contacts with other warring parties, collecting and analyzing background information to the conflict, designing a detailed plan for negotiations, building trust and cooperation, defining issues and setting an agenda, uncovering hidden interests and assessing options for settlement (Moore n.d). Conditions that favor further negotiations include the emergence of identifiable bargaining parties, evidence of a mutually hurting stalemate, the existence of leaders focused on a practical solution, external political actors supporting conflict resolution, and the presence of a mediator (Richardson et al. 1992, 5). The pre-negotiating conditions will bring the warring parties to the negotiation table and make efforts to structure and keep the peace process on track (Sisk n.d). This implies that unless the above conditions exist, there is little likelihood for successful peace

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negotiations since pre-negotiating agreements usually signal the first achievement of success in a peace process, thereby serving to build confidence and promote trust between the parties (Yawanarajah et al. 2003).

The pre-negotiating conditions for peace negotiations are often neglected in most peace negotiations yet they determine the success of subsequent negotiations. Before any peace negotiation is undertaken, adequate preparation needs to be done to ensure all parties are convinced that they can no longer win militarily (mutually recognizing a stalemate) and that negotiating is the only solution. The mediator who is recognizable, with unquestionable credentials and with experience in handling complex conflicts should then help to start the peace negotiations process. The important point to assess in the pre negotiating conditions is why conflicting parties are coming to the negotiation table? Do they really want to peacefully resolve their conflict or is it just a tactical maneuver to buy time to pursue the military option? (Gounden et al. n.d).

## Managing the Negotiations Process

The peace process is not a one day event, a very complex process that takes a lot of time, often years, and involves many parties, issues and actors (Bercovitch et al. 2009, 22-23). In Africa, the peace process is usually preceded with cease fire agreements that prepare for negotiations to take place. This is where parties agree to suspend aggressive action, without necessarily making concessions of any kind. This is designed to stop warring parties from continuing military actions as political negotiations are conducted to find a more durable solution (Yawanarajah et al. 2003). For the peace negotiations process to be successful, it should use the following principles: separate the people from the problem by focusing on interests and not positions, invent options for mutual gain,

and insist on objective criteria (Richardson et al. 1993, 8). This means the success of peace negotiations depends on principled negotiations that involve shifting to a ―win-win‖ even when it looks like a ―zero-sum‖ situation (Wertheim 1996, 381).

There are many parties involved in the peace negotiations process, especially the negotiation teams, observers, and Non Government Organizations (NGOs) interested in the process that require careful handling. When this is not done, the process may produce a document that is not acceptable to both warring parties especially when spoiling issues are not handled deftly. It is at this stage in the negotiations process that any party may become a spoiler. During the negotiations process, the following intangibles need to be taken care of: communications, personalities, physical space, past interaction, time pressure, subjective utilities, and being an active listener (Wertheim 1996, 385). The negotiations process enables discussions on the causes of the conflict and workable solutions are suggested and agreed upon. However, due to the complex nature of the issues to be discussed, compromise is very important such that zones of peace agreements exist and best alternatives to a negotiated agreement are identified during the negotiations process (Maiese 2003). The zones of possible agreements during the peace negotiations are crucial to the success of the process.

Doyle notes that during the peace process, the people who were affected by the burdens of war should be mobilized and encouraged to participate (Doyle 2004). This strategy means that negotiating teams will be pressured to avoid using delaying tactics to buy time, and approach the peace negotiating process from a compromise position. The international community should always create conditions for the leaders of warring parties to meet during the negotiation process to check and ensure all warring parties

agree on the progress of negotiations. This will avoid any discrepancy between the progress of negotiating teams and the position or perception of the warring leaders. Conflicting parties should continuously see no possibility of imposing a military solution on the political conflict as the viable means of resolving the conflict if the negotiations process is to resolve the conflict.

<center>Resources that Support the Peace Process</center>

Africa has abundant natural resources that have fueled and sustained armed conflicts for long periods of time especially precious resources, like diamonds, which encourages competition from local and external parties who play a crucial role in complicating and sabotaging peace negotiations processes (Daley 2006). Keen notes that armed conflicts persist partially because of rational economic calculations. Conflicts create war economies in regions controlled by rebels or warlords who are linked to international trading networks. This makes conflicts attractive and profitable and the suggestion of peace negotiations will not usually be welcomed. This supports Clausewitz's argument that war has increasingly become the continuation of economics by other means (Keen 1998, 11).

Any negotiations process requires substantial financial resources to support the entire negotiations process. Most African countries have financial problems to cater for the peace process in form of allowances and facilitations for all negotiating parties (Keen 1998). Lack of reliable funding for the peace negotiation process, especially when the interests of rich countries are not threatened, have led to the adjournment of negotiations, hence increasing chances of negotiations failing (Gounden et al. n.d). There is country in Africa, which can with ease, estimate and handle the expenses of peace negotiations

without external support. The problem of inadequate funding is always raised by negotiating teams who demand a lot of allowances for transport, consultations and other logistical support (Nyormoi 2007). At times, the problem encountered is when members of negotiating teams have no interest in ending peace negotiations because of the easy and handsome payments often given during the negotiation period. This explains the rationale for having time limitations for any peace negotiations. It is important to note that peace negotiations can be quite expensive and require a lot of financial support to meet the expenses of the negotiating process (Annika et al. 2008).

There is an argument that the direct and indirect role of economic globalization in Africa's wars has transformed them into business wars. Africa has witnessed increasing involvement of mercenary companies in civil wars in Angola, Liberia, Sierra Leone and the DRC in ways that carry memories of colonial pillage and violence. The area that was controlled by Liberia's warlord Charles Taylor in Sierra Leone and Liberia is said to have been the third largest supplier of hard wood to France in the 1990 (Hagg et al. 2007, 20).

The availability of resources makes it easy to sustain the conflict through financing operations and is always in the economic interests of the warring party leaders not to support the peace process. Most actors get a lot of money through plundering, looting and engaging in the illegal businesses of drugs, arms, and cigarettes through supportive neighboring states and available commercial networks (Messiant 2004).

In a situation where a conflict has become primarily economical in nature, and attractive, any effort of using peace negotiations to resolve conflicts will often be spoiled or sabotaged (Keen 1998, 16-17). This was true with the many failed peace negotiation attempts to resolve the conflicts in Angola, the DRC, Somalia, and Liberia. What should

be noted is that those who benefit from long term conflicts include the neighboring countries, international arms merchants and dealers exploiting minerals from the countries in conflict (UNOSAA 2005). The resources provide financing to the warring parties to sustain and prolong the conflict. On average, it is estimated that African armed conflicts median length is ten years due to the effect of resources (Connable et al. 2010, xii).

<div align="center">Summary and Conclusion</div>

The armed conflicts in the sub-Saharan Africa have many causes, as the political leadership aims at capturing political power. Negotiations are most often conducted after warring parties have reached a military stalemate, after realizing the importance of negotiations. The peace negotiating process is not an easy process and if not well managed, can escalate the conflict instead of resolving it.

The negotiations process involves many stake holders including spoilers whose interests should be taken care of by a capable, experienced, and knowledgeable mediator. The fact is that peace negotiations are the most civilized and effective means of resolving conflicts. But, the peace negotiations process has many conditions which are required to be handled with care to ensure progress. Even small issues should be properly addressed during the negotiations to ensure the conflict is resolved.

Chapter 3 describes the methodology to be employed to evaluate and identify the factors that facilitate peace negotiations to resolve armed conflicts in sub-Saharan Africa.

CHAPTER 3

RESEARCH METHODOLOGY

Chapter 1 of the thesis is an introductory chapter that discusses the general

background to armed conflicts in sub-Saharan Africa and how peace negotiations are

preferred over military victories to resolve armed conflicts. It emphasizes that the peace

negotiations process is not always successful due to many contributory factors. Key

concepts are introduced to enhance a common clarity of the subject matter.

Chapter 2 discusses related literature on the peace negotiations process based on

the following variables: the effectiveness of mediation, character and capacity of

negotiating teams, influence of outsiders, the leadership effect of the warring parties, the

pre-negotiating conditions, the negotiations process, and the effect of resources that

support the peace process. It points out the effect of each variable on the peace process.

Chapter 3 discusses the research methodology used to collect data and make

analysis on the variables that facilitate peace negotiations to resolve armed conflicts. One

case study of successful negotiations and one case study of failed negotiations are

analyzed. The research methodology is a qualitative research design based on the selected

case studies in explaining the relationship of the effect of the variables on the success or

failure of the negotiations process. The research methodology will also evaluate the case

studies using both primary and secondary sources of data and information to identify the

factors that enable peace negotiations to resolve armed conflicts in sub - Saharan Africa.

The qualitative research is preferred because it is fundamentally interpretive and

uses inductive reasoning. Qualitative research method is a process that seeks to

understand a social or human problem from multifaceted perspectives, conducted in a

natural setting that involves a process of building a complex and holistic picture of the phenomenon of interest (Creswell, 1994). Qualitative methods focus on how and why people behave, think, and make meaning, rather than focusing on what people do or believe on a large scale. It enables the researcher to analyze and interpret data from the macro to the micro level without risking analytical integrity (Ambert et al. 1995, 880). The qualitative method is used in this thesis to explain the relationship between the variables that generally apply to the success or failure of peace negotiations in sub - Saharan Africa.

Taylor-Powell notes that the researcher needs to focus the analysis based on the material and categorize the data by identifying patterns and organizing them into coherent categories. This enables the researcher to proceed with data interpretation where meaning and significance to the analysis are attached (Taylor-Powell 2003, 2). The findings resulting from the detailed analysis from the selected case studies will further assist in answering the primary and secondary questions of this thesis covered in chapter 1.

In order to analyze and compare contested data within individual case studies, the congruence method, a subset of qualitative analysis, will be used. This will enhance the researcher's ability to extract the effect of the many relational factors on peace negotiations so as to compare and measure the accuracy of the hypothesis. This method tests the ability of the hypothesis to predict whether the variables vary in the expected degrees, or whether there is still unexplained variance in one or more dimensions (George et al. 2005, 181-183).

The case study method, a subset of qualitative methodology is defined as ―the detailed examination of an aspect of historical explanations that may be generalized to

other events" (Taylor-Powell 2003). It depends on in-depth investigation, exploring the causation in order to find the underlying principles. It provides a systematic way of looking at events, analyzing information and reporting the results. The case study method produces knowledge dependent research necessary to develop a critical analysis after making comparative objective analysis to enable the understanding on more finite sampling. After the analysis and comparison of the individual cases, the study will analyze the findings so as to gain a sharpened understanding of why some peace negotiations succeed and others fail to resolve armed conflicts in sub-Saharan Africa.

## Application of the Case Study Methodology

The case study methodology will be used to collect data, compare, contrast, and analyze the variables within each case study. Most often, peace related researches use the case study method despite its shortcomings of biased findings. There is generally a mistaken belief that data and figures are more valid and reliable than just words in research. Yin notes that the major shortcoming of the case study method is that you may not always be able to generalize from a single case study to many situations (Yin 1989, 21). The case study method requires synthesizing a lot of information and material on every individual case study. Baxter contends that using a case study methodology creates problems from a strict academic point of view which points out the inherent element of subjectivity and generalization (Baxter et al. 2008). Most often, the variables may not have standard measures; rather only show behavior, attitudes, opinions and beliefs (Ambert 1998, 880).

Despite the shortcomings of the case study method, it represents a vibrant, reliable, and immediate way of understanding the peace negotiations process in the

historical perspective. The biases and limitations inherent to a qualitative inquiry do not affect the validity and analytical integrity of the research.

## Case Study Selection Criteria

The selection of a case study for this thesis was based on the following criteria to avoid selection bias: the armed conflict must have had political aims and peace negotiations were applied; the armed conflict should have had two or more organized groups of warring parties that are comparable; one party to the conflict is legitimate and internationally recognized; the conflict should have clear dominant actors; the conflict should have lasted more than 10 years; and the conflict must have begun and largely remained within the boundaries of one country. The peace negotiations should have taken place between 1990 and 2010 in sub-Saharan Africa, but outside the country of conflict. The variables that will be used in each case study analysis include: mediation, character and capacity of negotiating teams, influence of outsiders, leaders of the warring parties, pre-negotiating conditions, the management of the negotiations process, and the resources that support the peace negotiations process.

## Case Study Justification

The identified case study of successful peace negotiations is the North-South Sudan peace negotiations process held in Naivasha- Kenya from 2003 to 2005 leading to the signing of CPA while the case study for failed peace negotiations is the Northern Uganda peace negotiations held in Juba- Southern Sudan from 2006 to 2008. These case studies were selected because both conflicts were all internal within the given countries and negotiations were held between warring parties to resolve the conflicts. Peace

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negotiations occurred within the time frame between 1990 and 2010 and each selected case study is in sub-Saharan Africa.

All case studies meet the set selection criteria. The case study of North-South Sudan peace negotiations case will be analyzed in comparison with the failed Juba peace negotiation process to resolve the Northern Uganda conflict. The North-South Sudan peace negotiation was selected to represent successful negotiations since negotiations helped to contain the conflict for at least five years thus enabling the country to realize some relative peace. For the Juba peace negotiations, the warring parties failed to reach an amicable agreement and returned to military confrontations. The northern Uganda conflict is still ongoing even though the rebels are weakened and have shifted their theater of operation to the DRC, Central African Republic (CAR), and Southern Sudan. Peacemakers are still persuading the warring parties to return to the negotiating table especially Arch Bishop John Baptist Odama who argues that a negotiated settlement is worth striving for (Wooldridge 2011). The leader of LRA is still elusive and the Ugandan military forces have not succeeded in capturing or killing him. The various peace negotiation processes could or could not have similarities in their approaches, process, and issues used in resolving the conflict and this provides a suitable baseline to find out the effects of selected variables on the outcomes on each peace process.

<u>The relationship of Case Studies selected</u>

There are many related factors that make the two case studies selected for this research. Conflicts had a span of more than ten years, both countries Uganda and Sudan are less developed within the GLR and have all contributed to each others' insecurity problems. When the GoS reasoned that Uganda was supporting SPLM/A, it retaliated by

supporting the LRA to destabilize Northern Uganda. Consequently, the Sudan Armed Forces (SAF) would support LRA to make incursions in Uganda and in turn Uganda would do likewise for SPLM/A.

Both conflicts had ethnic overtones aimed at addressing economic and political imbalances. In Uganda, the LRA used the Acholi tribe as a base for support while the SPLM used the Dinka tribe for mobilization. In Uganda, the conflict was viewed as conflict between the northerners and southerners which was the same in Sudan. Both conflicts rotated around the influence of strong personalities of the warring parties. The North-South Sudan conflict had Dr. John Garang and General Bashir as strong personalities respectively. The Northern Uganda conflict had President Y.K.Museveni and Joseph Kony the leader of LRA. In all cases, peace negotiations were organized to resolve the conflict. While the North-South Sudan conflict was successfully negotiated leading to the signing of the CPA in 2005, the Juba negotiations that used the 2005 CPA as a model failed to produce similar results.

## Delimitations of the Case Studies

The case studies selected for this thesis, have delimitations. There are many other peace negotiations that took place to resolve armed conflicts in the GLR of Africa from 1990 to 2010 such as in the DRC, Darfur in Sudan, Somalia, Kenya, and Burundi. The DRC conflicts are still ongoing while the Burundi peace negotiations resolved the armed conflict. Even though they share similar characteristics with the cases selected, they are not be studied for this thesis. Conflicts which ended with no peace negotiations involved as a result of a clear military victory will not be analyzed in this study. The famous Rwandan genocide in the early 1990 is a case in point.

## Methodology of Research Criteria Analysis

The identified variables will be analyzed individually in every case study, measured subjectively on a scale of one (1) to zero (0). The one (1) score will indicate positive influence or contribution of the variable in making peace negotiations successful while the zero (0) score will show either the variable significantly contributed to the failure of the negotiations process or it had no positive effect on the outcome of the negotiations process. The researcher is confident that the data collected for each case study for this thesis will be adequate to enable equitable analysis and facilitate a qualitative evaluation of the negotiations. This will bring out an accurate picture on successful and failed peace negotiations in sub-Saharan Africa.

## Unit of Analysis and Scoring of Variables

The information obtained from the qualitative analysis from each identified variable will be subjected to a detailed analysis. By analyzing each negotiations process separately, the variables will be awarded points in form of one (1) or zero (0). The effort of awarding scores to each variable gives a rough estimate since methods of collecting information are unstructured and subjective. The researcher will examine each peace negotiation process and the results will then be entered in the scoring matrix based on the following variables.

## Effective Mediation

Every peace negotiation requires mediation that has specified and implied tasks crucial to the success or failure of the peace process. The mediator must be knowledgeable on the complexities of the conflict especially the background causes and

all interested parties to the conflict. The research will consider mediation by focusing the analysis on the role and character of mediation team in influencing the outcome of negotiations. Mediation will be analyzed from the pre-negotiations phase to the signing of the peace agreement. The conflict challenges facing Africa require serious mediators with the ability to prepare pre-negotiating conditions that encourage the warring parties to the negotiating table. Having an acceptable and effective mediator by all warring parties signifies an important step in the negotiations process.

The mediation team that guided the warring parties to signing an acceptable agreement will score one (1) as the highest score while a zero (0) score will be awarded to mediation effort or team that did not produce any agreeable document.

<center>Character and Capacity of Negotiating Teams</center>

The peace negotiations process is likely to be successful when the negotiating teams have the capacity or authority to make decisions on behalf of warring parties. This makes the negotiations process principled or not, hopefully leading to a ―win-win‖ situation. The scoring of this variable will be on a scale of one (1) to zero (0). The higher score of one (1) will be awarded to negotiating teams that had the capacity to make decisions, was all inclusive, and conducted principled negotiations that led to resolving the conflict. A lower score of zero (0) will be awarded to peace negotiations whose negotiating teams were not empowered to make decisions, conducted hard negotiations with no compromising positions that led to failure of the peace process.

## Influence of Outsiders

In African conflicts, the influence of outsiders, mainly from developed countries, cannot be ignored. Neighboring countries also play an important role during the negotiations process. Some external actors support the peace process through providing funding and expertise on negotiations while some act as spoilers through undermining all efforts to bring warring parties to the negotiating table through providing funding, weaponry and training to the warring parties. Regional actors often provide sympathy and sanctuary to those opposing the sitting government.

The scoring of this variable will be on a scale of one (1) to zero (0). A higher score of one (1) will be awarded to the peace negotiations indicating that external actors were very influential in the negotiations process in which warring parties agreed to resolve the conflict. The score of zero (0) indicates either the outsiders did not give reasonable support to the peace process or carried out activities that spoiled the negotiations process.

## Leadership of the Warring Parties

Leadership of the warring parties has the responsibility of selecting the negotiating teams, the mediator, venues, and critical issues to negotiate, positions on issues, and have the responsibility of implementing what was agreed upon during the negotiations process. They are responsible for consolidating the diplomatic efforts aimed at resolving the conflict. The peace process cannot succeed unless leaders of the warring parties support peace negotiations through accepting ceasefire agreements, and compromising on contentious issues.

The scoring for this variable will be on a scale of one (1) to zero (0). A higher score of one (1) will be awarded to peace negotiations where leaders of the warring parties were directly involved in the negotiations process leading to resolving the conflict. A lower score of zero (0) will be awarded to the peace negotiations where leaders either did not directly participate in the peace negotiations or their actions spoiled the negotiations process leading to failure.

## Pre-Negotiating Conditions

The existing pre-negotiating conditions serve as foundation blocks for official negotiations to start. These involve establishing a ceasefire agreement, looking for enough financial resources to support the peace process, communicating with all interested parties and agreeing on the agenda of the negotiations process. The pre-negotiating conditions determine why warring parties opted to negotiate, and whether or not the conflict is ripe for negotiation. The military stalemate is crucial for negotiations to start. This determines commitment to the peace process and agreeing on critical issues.

This variable will be scored on a scale of one (1) to zero (0). The higher score of one (1) will be given to the negotiations process that was successful due to the pre-negotiating conditions. A lower score of zero (0) will be awarded to the peace process where the pre-negotiating conditions were not conducive to support further negotiations thus leading to failure of the peace process.

## Management of the Negotiations Process

The management of the peace process itself is very important in resolving conflicts. This covers the management of all people involved in the peace process, issues

discussed and agreed upon, those monitoring the peace process, the negotiating environment, the ownership of the process and the funding of the peace process.

The scoring of this variable will be on a scale of one (1) to zero (0). A higher score of one (1) will be awarded to the peace negotiations where the process led to a peaceful agreement that resolved the conflict. A lower scorer of zero (0) will be awarded to the peace negotiations where what happened during the peace process led to the failure of negotiations.

## Resources that Support the Peace Process

Negotiations in Africa require financial resources to finance and sustain the negotiations process. The warring parties often get engaged in the illegal trade of natural resources, like diamonds, gold, and timber, in order to purchase arms and logistics necessary to sustain the conflict at the expense of peace negotiations. In the negotiations process financial resources are a center of gravity which enables sustainment of mediation and negotiating parties. As a result, parties are not always interested with negotiating an end to the conflict because of the profits involved in running illegal economies. As negotiations start, financial resources to support the process are crucial to the success or failure of resolving the conflict.

The scoring of this variable will be done on a scale of one (1) to zero (0). A higher score of one (1) will be awarded to peace negotiations which were successful because financial resources had impact on the success of negotiations process. A lower score of zero (0) will be awarded to peace negotiations which failed due to lack of financial resources.

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Each variable will be assessed on a score scale of one (1) to zero (0) since every variable affects the peace negotiations process differently depending on the other variables. The uniform scoring range will avoid bias where one variable may be treated as more important than others for ease of analysis. The horizontal scoring of the matrix enables the final results of the validity test to remain hidden until every variable is completely assessed in chapter 4 to minimize the ability of the author to influence the results.

This study will use qualitative variables whose values vary by attributes. The choice is guided by the necessity of the variable to provide some leverage for policy makers to influence the outcome. The variables derived from the many peace negotiations processes conducted in sub-Saharan Africa include: mediation, negotiation teams, leaders of warring parties, the pre-negotiating conditions, the outsiders, the management of the negotiation process, and the availability of resources to support the negotiations process.

Table 1 shows the array of the data in a tabular matrix format. The seven variables that will be analyzed were identified and explained in detail in chapter 2. Relevant data collected from primary and secondary sources will serve as evidence and results will be noted and recorded as in table 1. Every score will be justified according to each variable.

Table 1.    Sample of Matrix for Scoring Variables

| Variables to be Analyzed | N-S Sudan | N. Uganda |
|---|---|---|
| Effective mediation | (1- 0) | (1- 0) |
| Character and capacity of negotiating teams | (1- 0) | (1- 0) |
| Influence of outsiders | (1- 0) | (1- 0) |
| Leadership effect of warring parties | (1- 0) | (1- 0) |
| Pre-negotiating conditions | (1- 0) | (1- 0) |
| Management of negotiations process | (1- 0) | (1- 0) |
| Resources that support the peace process | (1- 0) | (1- 0) |

*Source*: Created by the author.

When the total scores are summed up, it becomes easier to evaluate the peace process in terms of success or failure. The totals will measure what it takes to attain success or failure of peace negotiations. Any deviation will be explained in the analysis as each study is evaluated in chapter 4 in order to determine the variables that appear to have a significant impact on whether or not peace negotiations will be effective in resolving armed conflicts. The deductions would then be used to build recommendations that could contribute to successful peace negotiations.

## Summary and Conclusion

The methodology used in this thesis is the qualitative method. Sources used to collect information are both primary and secondary data. The seven variables that are assessed represent possible key factors that influence peace negotiations: mediation, character and capacity of negotiating teams, influence of outsiders, leaders of warring parties, pre-negotiating conditions, negotiations process, and the effect of resources that sustain conflict. The variables are evaluated against four case studies of peace negotiations.

The analysis and results will be discussed in the chapter 4. The insights derived from the literature review covered in chapter 2 and the methodology discussed in chapter 3, will enable the researcher in chapter 4 to provide answers to the primary and secondary research questions raised in chapter 1. The findings of the study will help to develop conclusions and recommendations on what should be done to secure a successful peace negotiation that will resolve the armed conflict which is the focus of chapter 5.

CHAPTER 4

ANALYSIS

This chapter presents analysis of the research findings based on the data and information gathered for this thesis. The thesis aims at determining the factors that enable peace negotiations to resolve armed conflicts in sub- Saharan Africa. The researcher focused on two case studies of peace negotiations processes: the North-South Sudan negotiations process from 2003 to 2005, and the 2006 to 2008 Juba peace negotiations process. The analysis is based on the variables discussed in chapter 2. The analysis of each variable is ended with a conclusive remark stating how it positively or negatively contributed to the outcome of the peace process. A summary table of matrix helps to single out the significance of each variable on the outcome of the peace negotiations. This will help to determine the conclusions and recommendations for improving the conduct of negotiations to resolve armed conflicts in sub-Saharan Africa, and also areas recommended for further study in chapter 5.

Case Study: North-South Sudan Negotiations (2003 -2005)

Conflicts have continued to dominate Sudan since its independence in 1956 from the United Kingdom and Egypt. The most prominent and protracted civil conflict was the North - South Sudan conflict that broke out in 1983. Many attempts to peacefully resolve this conflict after it had started failed until 2002 when serious efforts, mediated by IGAD, led to the signing of the Machakos protocol. The protocol laid the foundation for further negotiations efforts that led to the signing of the Comprehensive Peace Agreement (CPA) on 9 January, 2005 (Young 2007). The CPA partially ended the armed civil conflict after

two decades of fighting between the SAF and SPLA. The 2005 CPA was all inclusive in terms of topics covered, balanced between GoS and SPLM, with specific implementation mechanisms (Annika et al. 2008, 72).

The Sudan civil war was originally rooted in the unequal socio-economic development, unequal distribution of political power and control over natural resources between the center and the country side which were all dominated by the Muslim, Arab northern Sudanese (UNSC 2005). But, as the civil war became protracted, critical issues changed to self determination for the South, Sharia law for the North and the common building of a united Sudan (International Crisis Group 2005). As a result of the conflict, the security of neighboring states (Ethiopia, Uganda, and CAR), was affected due to the refugee problem from the conflict (Dagne 1998). In general terms, the civil war significantly devastated Southern Sudan and deprived the rest of the country stability, growth and development (Dagne 1998). The South Sudanese people paid a heavy price with two million people dead, four million uprooted and six hundred thousand becoming refugees in neighboring countries (Porteous 2004).

After many years of civil war, attempts by various internal and external actors to mediate the conflict managed to bring the warring parties to the negotiating table that laid the foundation for further negotiations. The mediation effort by the IGAD secretariat, had support and close monitoring of the USA, UK, Norway, Italy, UN, and AU (Young 2007).

<u>General Facts on Sudan</u>

Sudan (figure 1) is located in the north eastern part of sub-Saharan Africa bordered to the north by Libya and Egypt, to the east by Eritrea and Ethiopia, to the south

by Kenya, Uganda and DRC, to the west by CAR, and Chad. It covers an area of 2,505,810 square kilometers slightly more than one quarter of the size of the USA (CIA, Fact book 2010). It is the largest country in Africa, due to its landmass and size, and is the tenth largest in the world. Out of the total area covered by Sudan, the South Sudan covers approximately 330,000 square miles equivalent to 660,000 square kilometers which represents about a third of Western Europe (see figure 2).



Figure 1.   The map of Sudan
*Source*: CIA Fact book, http://geography.about.com/library/cia/blcsudan.htm (accessed January 5, 2011).

Sudan's primary source of national income is the natural resources that include petroleum, small reserves of iron ore, copper, chromium ore, zinc, tungsten, mica, silver, gold, and hydropower. The economy is also supported by agriculture and tourism, but the

main source of hard currency is petroleum. Sudan began exporting crude oil in 1999, with technical assistance from China, which led to a trade surplus, stabilized the exchange rate, revived light industry and expanded export processing. The Gross Domestic Product (GDP) growth rate is estimated at 6.4 percent. Agriculture remains the most important sector, employing 80 percent of the work force and contributing 39 percent of the total GDP of 76.19 billion US dollars, yielding to the per capita income of 1,900 US dollars (CIA- the World Fact book on Sudan 2010).

The total population of Sudan is estimated at 40,187,486, with the population growth rate of 2.6 percent. Literacy rate for males is 71.8 percent and female is 50.5 percent. The main languages are Arabic (official), Nubian, diverse dialects of Nilotic, Nilo-Hamitic, Sudanic languages, and English. The main ethnic groups are Black at 52 percent, Arab at 39 percent, Beja at 6 percent, at foreigners 2 percent, and others 1 percent. Religions include Sunni Muslim at 70 percent (in north), indigenous beliefs 25 percent, Christian at 5 percent mostly in the South and Khartoum. Sudan has well established relations with China with many bilateral agreements of economic and military cooperation (CIA - the World Fact book on Sudan 2010).

<u>Background of the North-South Sudan Conflict</u>

The North-South Sudan conflict dates back to pre – independence until 1973 when the first Sudan civil war was resolved. However, another civil war started in 1983 when Colonel John Garang formed the SPLM/A to fight against the political and economic domination of the Muslim Arab speaking in Northern Sudan against the Black Christians in Southern Sudan. During the two decades of fighting, many Sudanese were killed and maimed (Polgreen 2006).

Figure 2.   Map of Southern Sudan
*Source*: Nyayan Foundation, Website, Map of Southern Sudan, http://www.nyayan
foundation.org/southsudanstates.jpg (accessed January 5, 2011)

The Inter Governmental Authority on Development (IGAD) initiated peace talks

in 1993 that led to the Declaration of Principles (DoP) in 1994 which was largely

accepted by the SPLM, but rejected by the GoS until 1998. The GoS rejected the DoP

because it contained provisions for the secession of Southern Sudan. The IGAD

secretariat was mandated to carry out continuous and sustained mediation efforts with a

view to arriving at a peaceful resolution of the conflict (Young 2007, 4). In early 2002,

the Nuba Mountains Ceasefire Agreement, mediated by a US-Swiss team, was seen as a

major confidence building step to illustrate that peace negotiation was possible. Due to its

success, IGAD was pressured by the international community to re-ignite its mediation

efforts reinforced by external events that had taken place especially in the USA (Annika et al. 2008). After the September 11, 2001 terrorist attacks in the United States, the international political environment changed against the Khartoum regime, which had been listed as one of the sponsors of terrorism in the world. It was pressured to enter into negotiations by the USA with the view of peacefully resolving the conflict (Williams et al. 2004).

The crucial issues that led to the CPA were covered in the following five protocols: the Machakos protocol, the protocol of security arrangements, the protocol of wealth sharing, the protocol on the resolution of conflict in Southern Kordofan/Nuba Mountains and the Blue Nile States, and the protocol on the resolution of conflict in Abyei. Details of the protocols are in Appendix A to this thesis. The peace negotiation process was rocky, plagued by missteps and failures, but the outcome resulted in stopping armed confrontations that had existed for over two decades. Some of the SPLA personnel mixed up with some SAF soldiers in the transitional period for six years until Southern Sudan would vote in a referendum to form a new independent state in January 2011. The peace negotiations efforts took so long because of irreconcilable differences on fundamental issues between the Arabized north and the Africanized south (Young, 2007). The Khartoum regime had a strong belief that it could resolve the conflict through military means which became a major impediment to all peaceful means to resolve the conflict. It also had an inflexible position on the role of religion in political governance which was resisted by the SPLM. Dagne notes that the GoS would show interest in peace talks when it was militarily disadvantaged in order to buy time to prepare for another military offensive (Dagne 1998).

<center>Analysis of the North-South Sudan Peace Negotiations Process</center>

The formal peace negotiations efforts started when IGAD member countries were alarmed by the deepening conflict that had failed multiple external mediation efforts. Consequently, IGAD formed a mediation committee of two organs: a summit committee of the Heads of State of Ethiopia, Eritrea, Kenya and Uganda, and a standing committee of mediators. The view of IGAD member states was that the Sudan conflict was having serious impacts not only in Sudan, but in the whole region and the talks were sought to address the root causes of the problem (Thakur et al. 2006). The IGAD members further thought that the conflict was ripe for negotiation after more than ten years of fighting. Therefore, the analysis that follows identifies the effect of various factors on the outcome of the North-South Sudan peace negotiations process.

<center>Effective Mediation</center>

After more than ten years of military fighting without success, the warring parties came to realize their weaknesses and strengths, and concluded that they could not resolve the problem militarily. Consequently, IGAD members alarmed by the deepening crisis, and convinced that the ten years of fighting had exhausted the warring parties, advocated for negotiations to peacefully resolve the conflict (Collier et al. 2005). The mediator's mandate was to: assist the warring parties to come to an agreement through principled negotiations; guard against any spoilers of the peace process; monitor the adherence to ceasefire agreements; facilitate negotiations; and provide necessary support to the warring parties (Young 2007).

The increased external pressure, mainly from the USA and the UK, supported the mediation efforts of the IGAD peace initiative committee under the chairmanship of

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President Daniel Arap Moi. Detailed mediation was at first handled by a standing committee of foreign ministers of IGAD members chaired by the Kenyan Foreign Minister, Kalonzo Musyoka, with support from friends of IGAD countries, mainly western countries. The mediation effort produced the DoP document with provisions of: the right to self determination, but with national unity remaining a priority; separation of religion and state; a system of governance based on multiparty democracy; decentralization through a loose federation or a confederacy; respect for human rights; and a referendum to be held in the south with secession as an option (Dagne 2008). The DoP formed a valuable framework for subsequent negotiations, even though it was not binding and had no implementation mechanisms (Young 2007, 4).

More negotiations were resumed in 1999 mediated by the special envoy Kenyan Ambassador Daniel Mboya who did not do much to encourage the warring parties to come to the negotiating table. Consequently, Lt Gen Sumbeiywo from Kenya replaced Mboya in 2002 with the special task of revamping the peace process (Annika et al. 2008). He resumed peace negotiations in May 2002 leading to the Machakos Protocol on 20 July 2002 signed by General Salva Kiir on behalf of the SPLM/A and Dr. Ghazi Salahdein on behalf of the GoS. The chief mediator Sumbeiywo had a team of experts mainly: Julian Hottinger, a Swiss diplomat, with experience in the Northern Ireland peace process and had also participated in the Nuba mountains ceasefire agreement, Nicholas Fink Haysom, a constitutional lawyer and an expert on conflict resolution from South Africa who dealt more with the discussions during sessions, and Dr. Susan Page, an American lawyer from the US diplomatic service who drafted all legal protocols (Young 2007). The mediation team also had World Bank representatives who advised on how western and Islamic

banking systems can co-exist, as well as experts on wealth sharing and oil production and revenues. There were also expert advisers on specific issues such as Abyei, Nuba Mountains and South Blue Nile which were the contested regions amongst warring parties. The mediation team also had special envoys from IGAD member countries who knew the warring parties well, and the causes of the conflict. The secretariat had more than five people (Annika et al. 2008).

The chief mediator had military experience and the support of all warring and interested parties which enabled him to effectively manage the negotiations process and ensured proper financial accountability. Not only was the chief mediator seen as impartial, but also headed a team that was viewed as impartial. He was successful in maintaining the integrity of the process by ensuring that spoilers were kept away from participating in the negotiations process. The influential team of advisors, and resourceful people enabled the mediation team to achieve good working relations with both the donors and warring parties, and was responsible for production of protocols that led to the signing of the CPA. The team always linked together with the warring parties, consulted with IGAD members along with elements of the international community.

<u>The Analysis of the Role Played by Mediation</u>

IGAD, as a regional organization, had leverage to initiate talks, but the role of the personalities that handled the mediation was crucial. The chief mediator was a moral guarantor for the negotiations process through ensuring that spoilers were restricted from getting involved. The process restricted involvement of the press, other political parties, civil society, individuals, and many outside countries to avoid being distracted from the core purpose of the negotiations. For example, the mediation team rejected the attempt of

the United States to dominate, dictate and direct the peace process (Annika et al. 2008). The mediators often encouraged the negotiating teams to come to a compromise and, where it was difficult, especially on contentious issues, organized workshops and plenums to help express their views. This helped to resolve issues that formed the core of negotiations. Mediators are also credited for having persuaded strong and key personalities to be part of the peace negotiations process especially Dr. John Garang of the SPLM and the Vice President Taha of the GoS (Young 2007).

Despite the important role of mediators towards the successful organization and conduct of the negotiations, it had its weaknesses. The mediators did not make the process all inclusive and broad enough. Many interested parties, especially the civilsociety and other political parties, were excluded from the peace process and this raised the problem of ownership of the CPA, the people of Sudan or the warring parties? There were no attempts to develop trust and understanding between the warring parties evidenced through the failure to commit the warring parties to discuss the reconciliation process. Therefore, one can argue that the peace process just focused on ending the conflict in a short time as most contentious issues were referred to the future (the Abyei problem).

But, the manner in which the CPA was negotiated and signed by the warring parties serves as an indicator of the ineffectiveness of the peace negotiations process in quickly resolving armed conflicts. Despite the above weaknesses, the fact remains that the mediation team was generally accepted by the warring parties, could often reach out to ensure the process remained focused thus guarding the process against any would be spoilers. Therefore, this variable scores one (1) for its invaluable contribution to the

success of the CPA. Without the effort of the mediation team, the negotiations could not have gone very far. The team remained neutral and none of the warring parties complained about its character and conduct of the negotiation process.

<u>Character and Capacity of Negotiating Teams</u>

The composition and character of negotiating teams usually illustrates the seriousness of the warring parties towards negotiations. The negotiating teams ought to: have the positive attitude to resolve the conflict; negotiation skills, and understanding of the background causes with the ability to make decisions on crucial issues that determine the direction in which the negotiations will go. The North-South Sudan negotiations had various negotiating team leaders with a lot of knowledge on the Sudan conflict. The capacity of negotiating teams to make decisions increased after many issues had broken down during various protocols, especially the Machakos protocol. The initial SPLM negotiating team was headed by Mr. Elijah Malok, an uncle to Dr. John Garang, while the GoS team was headed by Mr.Idris Mohammed, a state minister in the Office of the Presidency. By the time the Machakos protocol was signed, the SPLM had replaced Elijah Malok with Nhial Deng Nhial. After the Machakos protocol, General Siva Kiir headed the SPLM team while the GoS team was headed by Dr. Ghazi Salahdein. But, the need to speed up the negotiations to a higher level led to the participation of Dr. John Garang of SPLM and Mr. Ali Osman Taha, the Vice President of the GoS. These senior personalities had the ability to make decisions on any matter that was being discussed without time consuming detailed consultations and took initiatives to ensure negotiations progressed. One can therefore conclude that the peace process progressed only after these influential leaders became part of the negotiating teams. Without them, many decisions

on contentious issues would have required extensive consultations resulting in further postponements and delays.

The participation of senior leaders signaled the commitment of the warring parties to the peace process which enabled the donors and the international community to pressure these individual leaders to ensure that the process progressed. Not only did they make decisions on controversial issues, they also rejected some of the issues, like the truth and reconciliation issues, and accountability, which would have delayed or failed the process (Young 2007). The leaders assisted in sorting out the inevitable problems of implementation, deferring contentious issues like of Abyei demarcation, to be resolved by the presidency after signing the CPA. Even though the presence of Garang and Taha reduced negotiating teams to two individuals, there is no doubt that their presence and decisions quickly led to the CPA.

From the above analysis, the negotiating team played an important role especially when empowered with the capacity to make decisions. Most often, the peace process gets delayed because the negotiating teams are poorly assembled and have no capacity to make decisions at the negotiations table. Not only were the influential leaders helpful in making the peace process progress, but were able to strike a compromise on issues that would have delayed or failed the process. It is interesting to note how they avoided the accountability and reconciliation issues which are often controversial to handle during the negotiations. This variable played an important role for the success of the negotiations and therefore scores one (1).

<u>Influence of Outsiders</u>

Outsiders play vital roles in resolving armed conflict during the peace negotiations process by providing financial resources to facilitate the expensive peace negotiations process. After many unsuccessful attempts to resolve the Sudan conflict, IGAD, as a regional body got involved to mediate the conflict after more than ten years of fighting. The IGAD countries were very instrumental in pressuring and bringing the two parties to the negotiating table and supporting the peace negotiations process and efforts. This was because IGAD member countries were interested in having the conflict resolved with support of the USA, UK, Norway, Italy, AU and the UN. The Americans are applauded for their role in providing expertise to the Sudan negotiations and think tanks that prepared papers and proposals. They kept pressuring not only the warring parties, but also the mediation team. When the parties encountered difficulties, the outsiders were consulted for possible solutions. It is noted that the outsiders were the ones who proposed the notion of two systems in one state which was implemented after the signing of the CPA (Young 2007).

At times, outsiders become spoilers during the peace process especially when their efforts undermine the negotiating teams' efforts to reach a common understanding. The mediator guarded the Sudan peace process against too many pressures and limited outsiders to the advisory and observational roles to ensure that the process remained on track. One may argue that without outside pressure, the Sudan peace process would have taken longer and hence more likely to fail. Outsiders, especially the international community, and regional organizations indicated to warring parties that it was time to end the conflict and none of the warring parties ever wanted to be seen as the cause for failure

of the peace negotiations. Due to the crucial role played by the outsiders, this variable scores one (1) for its contribution. This assessment is supported by the argument that the peace agreement was reached not necessarily because parties wanted to, but because both parties were pressured to (Young 2007).

<u>Leadership Effect of the Warring Parties</u>

The Sudan peace negotiations process progressed in 2003 after President Omar Bashir of the GoS and Dr. John Garang of the SPLM/A directly met in Kampala and agreed to support the peace process. Consequently, Garang and Vice President Taha got personally involved in the negotiations process with a mandate to make decisions on behalf of their warring parties. Their participation indicated that both parties wanted to peacefully end the conflict. The leaders of warring parties were well educated, with military experience and knowledge.

The leader of the SPLM/A, Dr. Col John Garang De Mabior (June 23, 1945- July 30, 2005), was a graduate of Grinnel College in lowa,USA, with a degree in Economics, and attended a commander's course at Fort Benning, Georgia. He later obtained a Master's Degree and Ph.D in Economics. In the 1970, he joined the Sudanese military, progressed through the ranks to become a colonel until 1983, when he was sent to crush a mutiny of 500 soldiers from the Southern region in Bor who were resisting deployments to the North. Instead of crushing the mutiny, he ended up supporting their cause, joined them and officially started the SPLM/A to fight against military rule and dominance of Islamic law in Sudan, which led to the second civil war (1983-2005). Therefore, Garang was at the centre of this conflict for twenty two years, often described as a revolutionary leader, but also a difficult man in a complicated war. He provided special leadership to

the SPLM/A, and was eminently able to represent SPLM/A interests during the negotiations process with the GoS. His participation in the negotiations process was essential in making decisions on behalf of the SPLM and making commitments to peacefully resolve the conflict. It was Garang who opposed the formation of a truth and reconciliation process during the negotiations which would have complicated the entire negotiations process.

The leader of the GoS, General Omar Hassan Al-Bashir, came to power on June 30, 1988 through a bloodless coup. He introduced Islamic law in Sudan which worsened the tensions between the Muslim north and the Christian and animist south, and south west of Sudan. He spent most of the time fighting many rebel group movements until he realized that there was no military solution to these conflicts. He therefore supported the IGAD peace initiative in 1993 to pre-empt any UN initiative to get involved in the Sudan conflict (Young 2007). One needs to recall that this was the time that the USA was militarily involved in the Somalia mission and President Bashir feared that the U.S military involvement could end up in Sudan. His warm relations with Kenya made it easier for Kenya to handle the negotiations as it was largely regarded by all parties to be neutral.

Even though the GoS initially had difficulties in supporting the peace talks, the September 11, 2001 terrorist attacks in the USA compelled the GoS to give in to American pressure to enter into negotiations with the SPLM. President Bashir was aware that he had been listed as one of the sponsors of terrorism activities in the world because Osama Bin Laden had been the host of GoS in the past. Having realized that the conflict

could not be won militarily, he eventually tasked his Vice President to head the negotiating team with a mandate to make decisions on most of the contentious issues.

From 2003 to 2005, the presence of the warring parties' leaders made it possible for the progress of the peace negotiations that ended in signing of the CPA. Even though this variable was one of the contributory factors for the success of the CPA, there is no evidence that it contributed to the success of the talks. None of the leaders wanted to be blamed for spoiling the negotiations. Therefore, their participation in the peace process was not due to a change of heart, but mainly due to external pressure even when they determined both the issues to discuss and the decisions to make. Thus, the variable scores zero (0).

<p style="text-align:center">Pre-Negotiating Conditions</p>

Before the 2003 IGAD led peace negotiations re-started, the pre-existing conditions in Sudan in particular and in the world in general compelled the warring parties to the negotiating table. By 2003 the conflict was twenty years old resulting in a military stalemate and all previous attempts to peacefully resolve the conflict always ended fruitless. Therefore, what actually brought the warring parties to the negotiating table is vital to analyze.

By the start of peace negotiations, the SPLM/A was largely controlling the current Southern Sudan areas (refer to figure 2) and the GoS remained in the North. Simply put, there was a military stalemate. Each warring party occupied a sizeable territory and had realized that the solution to the conflict was not in a military victory, but in peaceful negotiations. This reality of a military stalemate was important for the peace negotiations process to start. The warring parties were militarily exhausted and believed that any

further fighting was dangerous to all. Therefore, what brought the warring parties to table was not change of heart for peace, but because they could not achieve more military victories. If there were no military stalemate, warring parties would have used peace negotiations to trade for time to reorganize, look for logistics, and train in preparation for more military actions. In addition to the military stalemate, the previous negotiation attempts were crucial in pointing out issues that needed to be negotiated if the conflict was to be peacefully resolved. One can argue that by the time peace negotiations started, all warring parties and negotiating teams knew the issues that needed to be resolved and all freely participated because they had adequately prepared the negotiating environment.

Despite more than two decades of civil conflict, none of the leaders of the warring parties was being hunted for any war crimes. This explains why issues of accountability were not put on the peace negotiations agenda. The GoS had fought the SPLA for over twenty years, and was compelled to recognize the SPLM as an organization with political issues that needed to be resolved. They engaged each other during the negotiations as equals and neither assumed a dominant role. The long period of conflict had also been used to lobby for regional and international support by the warring parties. Each warring party had the opportunity to engage the international community, and regional organizations. This explains why the world's superpowers were willing to handle the financial requirements for the peace negotiating process once it started. The pre-negotiation conditions therefore enabled the warring parties to conclude that the only solution to the conflict was through a negotiated political settlement.

From the above analysis, the pre-negotiating conditions determined why the warring parties came to the negotiations table. They recognized that they had reached a

military stalemate and negotiation was the only solution. They entered negotiations on equal terms and everybody's position on crucial issues was known. This variable scores one (1) for its role in compelling the warring parties to the negotiating table to resolve the conflict.

<center>Management of the Negotiations Process</center>

The negotiations process is very important, especially the environments within which peace negotiations are held. The way the core issues are discussed and concluded is reflected in the management of the process. The peace process should identify and handle any spoilers to the negotiations process. The Sudan peace process was held in Kenya, a country that both warring parties considered not only neutral to the conflict but very secure for the negotiating teams. This was partly due to the availability of facilities and amenities to support the lengthy peace negotiations process. The safe and secure environment provided the negotiators with an ease of mind to discuss crucial issues. Therefore, one can conclude that the venue for negotiations should be conducive enough to allow negotiations to go on with no security concerns. This was very crucial during the Sudan negotiations.

Timing is a very important aspect in the negotiating process. Considering that armed conflicts take a lot of time to progress to a point for negotiations, the negotiations process requires considerable time to comprehensively discuss crucial issues, especially the background causes, suggested solutions and implementation mechanisms. Figure 3 illustrates the conflict progression up to when it is ripe for negotiation. The negotiating parties should have time to carry out consultations where necessary during the peace negotiations process and where it is not possible to reach an agreeable solution, the issue

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should be deferred for future negotiations after thorough consultations. This is only when warring parties have reached at a military stalemate. However, one needs to note that too much time for negotiations should be avoided as this may allow the warring parties to become unfocused. Therefore, time should not be too limited, but also not too open to allow sluggishness to overtake the negotiations.
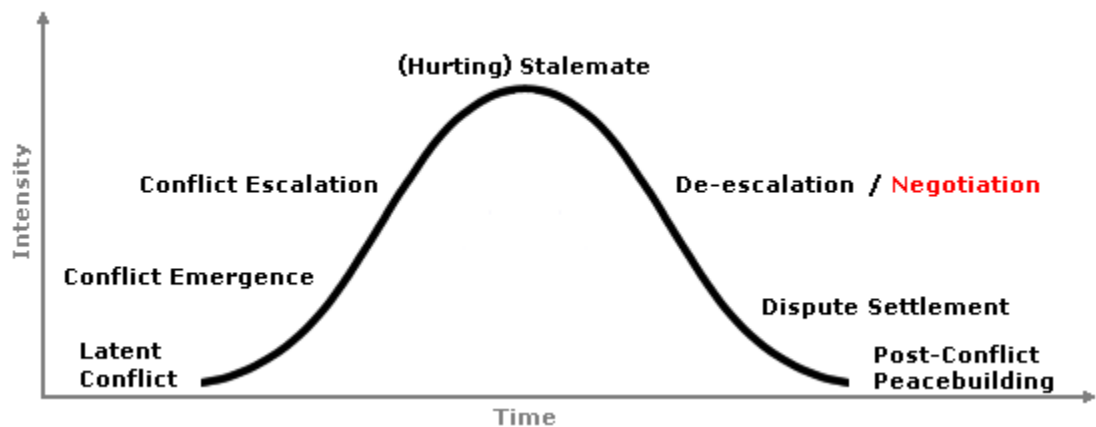


Figure 3.   Importance of Timing

Source: Brahm Eric-Negotiation stage, http://www.beyondintractability.org/essay. negotiationstage (accessed January 14, 2011).

The Sudan conflict took a lot of time to be negotiated peacefully, but, when the parties finally agreed to negotiate, then the three years' time for negotiations was reasonable to cover contentious issues leading the process to become successful. In the author's opinion, managing external spoilers during the negotiations process is very challenging for peace mediators. It is even more difficult when there is an inside spoiler. An insider spoiler participates in the peace process while trading off time to pursue the

military or other options. But, inside spoilers can be detected easily from the composition of the negotiating teams, like hardliners who refuse to make compromises during the negotiations. This is common where peace talks are used for purposes of strategic military mobilization. Negotiations go on up to the end, at times signed, but with no modalities of implementation. This means that spoilers can be part of the peace process and may belong to the warring party, mediators, outsiders or observers. When not handled properly and allowed to go on unchecked, spoilers may not only divert the process, but also add further complications and put unnecessary pressure on the process.

During the Sudan negotiations, the warring parties appeared to have been serious looking forward to the implementation of what was eventually agreed upon. The modalities for implementation were discussed and agreed upon by both warring parties and the sponsors. The Sudan peace negotiations took three years which would have given many spoilers chances but the time was also crucial to enable discussion of the most controversial issues. Considering how the negotiations process was handled until the signing of the CPA, there is no doubt of the role of effective management of the peace process. This variable scores one (1) for its contribution towards the success of the North-South Sudan peace negotiations.

### Resources that Support the Peace Process

The peace negotiations process requires a lot of financial support if it is to be successful. This aspect comprises financial resources to cater for allowances of negotiating and mediating teams, hiring venues for negotiations and catering other administrative logistics of the peace process. No country in sub-Saharan Africa has the capacity to carry the financial burden of peace negotiations without some external

support. The positive role played by IGAD was mainly due to the financial support of international donors, who aimed at ensuring that IGAD was enabled to play an active role in peace building in the GLR region by setting up mechanisms for resolving armed conflicts. The international community gave the financial support that was needed to facilitate the peace process, attached special experienced persons, envoys and other observers to the peace process. The enough financial resources ensured the negotiating process remained focused. There is no evidence of any complaint raised related to facilitation as this could have led to unnecessary postponements.

The IGAD secretariat had no financial capacity to structure the peace process the way the Sudan negotiations was done. The USA provided most of financial requirements for the peace negotiations process and was the real power behind the success of this particular peace process (Young 2007). The financial support and promises from the USA government were very instrumental only in compelling the warring parties to the negotiating table. From the above analysis, no country in sub-Saharan Africa had the resources to support a peace negotiations process and having reliable financial supporters is crucial in getting the peace process started. However, the fact that the Sudan peace process never ran short of financial support is not enough evidence to explain why the process succeeded. There is no quantification of how much money is required for peace talks. For this reason the resources that supported the North-South Sudan peace negotiations had limited effect on the outcome and is thus awarded zero (0).

Table 2.    Summary of the Scores for the Variables

| Analysis of the Variables | CPA-on Sudan |
|---|---|
| Effective mediation | (1) |
| Character and capacity of negotiating teams | (1) |
| Influence of outsiders | (1) |
| Leadership effect of warring parties | (0) |
| Pre-negotiating conditions | (1) |
| Management of negotiations process | (1) |
| Resources that support the peace process | (0) |

*Source*: Created by the author.

From the above table, it is evident that the 2005 CPA was successful due to a combination of five critical factors: effective mediation, negotiating teams, the influence of outsiders, the pre - negotiating conditions and the proper management of the peace process. The author reasons that the leaders of warring parties and resources had been there for a long time even during the whole conflict period including in the previous failed negotiation attempts.

Case Study: Northern Uganda Peace Negotiations in Juba

The Republic of Uganda gained independence from the British in 1962 and is one of the countries in the East African region, with a total area of 236,040 square kilometers, slightly smaller than Oregon. Uganda (figure 4) is a landlocked country bordered by Sudan to the north, Kenya to the east, Tanzania to the south, Rwanda to the south west, and DRC to the west. The total population of Uganda is estimated at 33.8 million (CIA-the World Fact book on Uganda 2010).

The current boundaries of Uganda were carved by the British who grouped together a wide range of ethnic groups with different political systems and cultures. To date, the multi-ethnicity comprises of Baganda at 16.9 percent, Banyankole at 9.5 percent, Basoga at 8.4 percent, Bakiga at 6.9 percent, Itesots at 6.4 percent, Langi at 6.1 percent, Acholi at 4.7 percent, Bagisu at 4.6 percent, Lugbara at 4.2 percent, Banyoro at 2.7 percent and others at 29.6 percent. The main religious groups are Christians at 85 percent, Muslim at 12 percent, and others at 3 percent. The official languages are English and Swahili, while the preferred local language is Luganda. The literacy rate is 66.8 percent with males at 76.8 percent and female at 57.7 percent. Natural resources include copper, cobalt, limestone, salt, hydropower, phosphate and oil. The GDP is 15.7 billion United States dollars (CIA- the World Fact book on Uganda 2010).

## Background of the Northern Uganda Conflict

When the British Prime Minister named Uganda the pearl of Africa in 1907, it was a reflection of the country's natural beauty. However, since 1962, this beauty has been spoiled by continued conflicts based along tribal, religious, ethnic and regional divisions. The conflict in Northern Uganda has its origins from the colonial policies of the British who used the divide and rule policy to effectively govern Uganda during the colonial period. Consequently, various ethnic groups were divided along illogical lines that sowed seeds of disparity and hatred up to the present day. While the northern tribes were denied education, they monopolized the Army, prisons, police, and public service departments. When Uganda got its independence in 1962, it inherited a largely illiterate army dominated by the northern tribes. Consequently, politicians started using the Army to settle political differences (International Crisis Group 2007).

Figure 4.  Map of Uganda Photo

*Source*: Bureau of African Affairs, http://www.stategov/r/pa/ei/bgn/2963.htm (accessed October 4, 2010).

The conflict in Northern Uganda arose in the context of political and economic resources competition between various regional and ethnic tribes whose differences were implanted by the British colonial Administration (Annika et al. 2008). While the tribes in the South were economically favored, the tribes in the North, especially the Acholi, joined the military forces (Hanson 2008). So at independence time, the Acholi dominated the military and became the backbone for the demagogic governments of Milton Obote and later Tito Okello up to 1986. When Yoweri Museveni's National Resistance Movement (NRM) usurped power in 1986 after five years of bush war, the Acholi were removed from power in all domains and felt that they were in the mood of settling scores.

There was a power shift from the northerners mainly Acholi who dominated the army, police, and civil service since 1962 to the southerners and westerners (Otunnu 2002).

As President Yoweri Kaguta Museveni modernized and trained the Army to consolidate his political reign, the Acholi community, led by politicians, felt that they were kept on the margins of society and largely denied access to political and economic resources (Nyormoi 2007). This forced the defeated Okello soldiers to reorganize in Southern Sudan to form the Uganda Peoples' Defense Army (UPDA) with the purpose of fighting and defeating the National Resistance Army (NRA). The UPDA got support from the local populace who feared the advance of NRA into the Acholi land (Otunnu 2002, 12). Through military pressure, amnesty and peace talks, the UPDA rebellion quickly ended when the Gulu Peace Accord was signed on June 3, 1988.

However, after a short time, another rebellion, the Holy Spirit Movement, led by Alice Auma Lakwena started marking a transformation from conventional armed conflict to an insurgency with spiritual linings (Allen 2006, 28). This insurgency had the local population support but was quickly defeated by the NRA in 1988. Lakwena's father, Severino Lukoya, attempted to restart another armed rebellion with no success. Later on, the remnants of UPDA and the Holy Spirit Movement formed the Uganda People's Christian Army under the leadership of Joseph Kony, who later renamed it the Uganda Christian Democratic Army in July 1990 and then Lord's Resistance Army (LRA) in 1993 (Seguya 2010, 7).

In the early stages of LRA insurgency, its composition was mainly of former soldiers who wanted to avoid accountability for the atrocities they had committed while fighting the NRA insurgency (Vinc 2007). This partly explains why the LRA originally

targeted government fighters. However, when they failed to get support of the Acholi community, the rebels turned against the civilians because they felt being betrayed by their own, claiming that civilians were the ones who had sent them to fight. The rebels then started forced recruitment of children and killing all those that resisted abduction or were suspected of supporting the government. But as the NRA put more pressure on LRA rebels, they were forced to look for bases in Sudan with help from the GoS. But the 2002 Nairobi agreement between the GoS and the GoU allowed the UPDF to pursue the LRA into Sudan.

In 1996, the GoU attempted to isolate the LRA rebels by creating internally displaced persons' camps. This however generated a lot of political opposition to the government who claimed that it was a move to wipe out the Acholi community. The LRA conflict led to many deaths, gross human rights violations, destruction of culture and infrastructure, and paralyzed any economic activity (International Crisis Group, 2007). Towards the end of 2004, the GoU referred the atrocities committed by the LRA leaders to International Criminal Court (ICC) which eventually issued arrest warrants in 2005 for the top five LRA commanders. This was when the CPA between the GoS and SPLM was being finalized in Kenya. Consequently, this forced the LRA to relocate to Eastern DRC, in search for new sanctuary, in Garamba National Park.

<center>Previous Peace Attempts to Resolve this Conflict</center>

After the outbreak of the conflict in 1997, there were many peace initiatives to peacefully end the conflict, but with no success. In 1993, Ms. Betty Bigombe, while a minister in charge of Northern Uganda, initiated direct talks with the LRA at Pagik in Aswa ranch –Gulu district in Northern Uganda. The efforts ended prematurely when

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President Museveni issued a seven day ultimatum for the LRA to surrender. In 1996, the

Acholi traditional leader, Rwot Achana, led a delegation that requested President

Museveni to allow them talk peace to the LRA rebels. The efforts ended when LRA

killed the elders who were pursing peace. In 1998, the Acholi in diaspora convened a

Kacoke Madit (a big meeting of the Acholi) in London that was attended by the Acholi

civil society, a GoU delegation and representatives of LRA to discuss the conflict and its

effects. This was also when the Community of Sant'Egidio of Rome, led by Professor

Fabio Riccardo pursued efforts to resolve the conflict with no success (International

Crisis Group 2007). Later on, the Carter Center used a regional approach that included

GoS, GoU, SPLM and LRA with the goal to restore bilateral relations by holding talks

between the four warring parties (Neu 2002). This meant that President Bashir, President

Museveni, SPLM leader Dr John Garang and LRA leader Joseph Kony were all to be

involved. The efforts basically failed because Kony lacked confidence and trust in the

process and left the mediation team alone. In 1999, the Uganda parliament passed the

Amnesty Act 2000, which granted a blanket amnesty to all individuals who took up arms

against the government and so far, about 14,000 former rebels have been beneficiaries,

including 8,000 from the LRA (Otim et al. 2008, 22).

<center>The Juba Peace Talks 2006 to 2008</center>

In 2006, the Vice President Dr. Riek Machar of the Government of Southern

Sudan (GOSS) offered to mediate between the LRA and GoU in the South Sudanese

capital of Juba. This initiative was partially supported by the UN which appointed His

Excellency Joachim Chissano, former president of Mozambique, as the Special UN

envoy to areas affected by the LRA. Additional special envoys from neighboring

countries of Kenya, Tanzania, Mozambique, South Africa and DRC got involved. The Juba peace talks process discussed and ended with the following agreements signed by the negotiating teams; Cessation of hostilities Agreement (26 August 2006), Comprehensive Solutions (2 May 2007), Accountability and Reconciliation (29 June 2007), Permanent Ceasefire (23 February 2008), Disarmament, Demobilization and Reintegration (29 February 2008). The final agreement of 2008 was supposed to be signed by the leaders of the two warring parties, but the LRA leader failed to sign on two occasions and in December 2008, the GoU, DRC, and GOSS backed by the USA launched operation Lightening Thunder. Its failure to kill Kony led the LRA to undertake massive attacks against civilians in DRC. The Juba peace talks were modeled on the successful IGAD mediated talks that led to the CPA in 2005, but the results of Juba peace talks disappointed many people who had placed a lot of hope in them. Therefore, the analysis that follows identifies why the Juba peace negotiations could not resolve the Northern Uganda conflict.

<div align="center">Effective Mediation</div>

Any mediation of the peace process is premised on a basic understanding of the root causes of the conflict in question, especially why the conflict started in the first place. This enables the mediator to guide the process geared towards addressing the sources that generated the conflict so as to form the basis for conflict resolution. Mediation for the Northern Uganda conflict was handled by Dr. Riek Machar, the Vice President of the GOSS. This was after he had personally met with the LRA leader near the Sudan-DRC border and offered him a peace deal. The GOSS pursued mediation as a strategic imperative of resolving the conflict because any insecurity in Northern Uganda

would continue to destabilize Southern Sudan. Therefore, the GOSS offered to mediate

out of necessity as there was no country or organization interested in mediating the

conflict. But without any ability and expertise in mediation, the negotiations process was

bound to fail from the start because it did not build any confidence amongst the warring

parties. The GOSS took the initiative for mediation because there was need to protect the

South Sudanese from the sufferings inflicted on them by LRA rebels. There are no

indications that the GOSS made any serious preparation plans to mediate this protracted

conflict. It did not have plans for handling the negotiating teams nor did it have

compromise positions on most of the crucial issues that were to be handled during the

negotiations.

The chief mediator hurriedly set up the Juba peace secretariat with no services

and the process was poorly managed. One can argue that all of the people that appeared

to negotiate at the Juba peace talks knew that it would be lucky to get success. From the

onset, the GOSS thought that mediating the conflict was being charitable to the warring

parties. The mediator failed to appreciate the important role of providing information,

helping warring parties to enter into negotiations, helping to stop deterioration, saving

face, changing procedures, helping to invent new options, representing persons not in

negotiations, constructing deals, adding resources, rallying support for an agreement and

generating pressure for the agreement (Kriesberg 2007). Though the GOSS should be

credited for providing the only available link between warring parties and pressured the

LRA to negotiations table, it failed to offer any guarantees or suggest any compromises.

It is on this basis that the GOSS qualifies as a meddler and not a mediator. Khadiagala

notes that escalating civil wars propel neighbors to assume responsibility for mediation in

the absence of meaningful power and leverages. In many cases, African interveners have contributed to the widespread perception of being meddlers rather than mediators (Khadiagala 2007, 6).

Not only did the GOSS lack capacity to handle peace talks, it also lacked the basic necessities to offer as incentives to the warring parties. The mediator lacked mediation experience for such a protracted conflict and was accused of being biased against the LRA and hence not impartial (Sudan Tribune 2008). One can therefore argue that the Juba peace talks failed because of the flawed mediation process. Considering the main actors in the Northern Uganda conflict (Museveni and Kony), the mediator should have been bigger than just the GOSS, with a broader regional mandate, authorized and supported by regional and international organizations like the AU and the UN. When the GOSS showed interest in mediating the conflict, the regional organizations like IGAD and AU did not show interest in supporting the initiative which was crucial to raise security, build trust and confidence among the warring parties. The Juba mediation team was never respected by the warring parties and therefore did not guide the negotiations process. The team failed to maintain direct contacts with the leaders of the warring parties to encourage them to send a high powered negotiating team to Juba. From the above analysis, this variable scores zero (0). The mediation team lacked the necessary qualifications to mediate the protracted conflict and hence was regarded as a meddler and not a mediator.

<u>Character and Capacity of Negotiating Teams</u>

The negotiating teams know the issues for discussions and will influence the outcome of the negotiations process. The LRA negotiating team was comprised mainly of

people from the diaspora who did not have up to date knowledge and interests of the LRA. By the time of peace negotiations, the interest of Kony and his top commanders hinged on personal security while the negotiating team was interested in problems that covered political persecution, marginalization, imbalance in development, land protection, corruption and abuse of democratic principles (Seguya 2010). Ideally, these were political issues which were of no interest to the LRA leadership. Therefore, the negotiating team that represented and discussed issues on behalf of LRA did not harmonize with LRA leadership. This was illustrated by the constant changing of the team leaders and composition of the negotiation teams. When Kony killed Vincent Otti, who was the second in command of LRA, the negotiation team became afraid of meeting Kony in the bush for any consultations. Consequently, the team represented different interests and not those of the LRA leadership. Later, the LRA leadership appointed new leaders for negotiations which often hindered the progress of the peace talks. This reflects the extent to which the negotiating team was disorganized with no centralized control at the negotiations venue. The LRA team should have been comprised of politicians who were based in Northern Uganda, elders whom Kony had alleged that they gave him blessings to go to the bush, supported by a strong LRA military team able to negotiate with the GoU.

The GoU negotiation team was led by Dr. Ruhakana Rugunda, the Minister of Internal Affairs. He was supported by politicians based in Northern Uganda, who were in touch with the local population. They were highly educated, and conversant with the issues of the conflict. When they met the LRA team in Juba, the contest was who was representing the interests of the Acholi population. The GoU further sent many people to

Juba including civil and religious based organizations but only as observers. The problem was that the GoU team never treated the LRA team as equals and had no compromise positions. They insisted on having direct talks with the LRA leadership and not with politicians from the diaspora whom they believed did not represent the interests of LRA and the Acholi community.

By the end of negotiations, it was clear that the LRA had interests other than those advocated for by the negotiating team. Their main issues centered on security, political and economic benefits for the LRA and not the people of Northern Uganda. This is further illustrated by the fact that the negotiating teams agreed on all issues but the signing of the final agreement failed. The author's take is that the negotiating teams were poorly formed and did not have the capacity to make decisions on behalf of the warring parties. Therefore, the variable scores zero (0).

<div align="center">Influence of Outsiders</div>

Most often, outsiders play vital roles during the negotiations process as discussed previously. The Juba peace negotiations did not have serious commitment from outsiders. While the process had limited backing of the USA, UN, and AU, there were also no serious efforts put in place to pressure the warring parties to peacefully end the conflict. Even though the UN appointed HE Joachim Chisano as its envoy to Northern Uganda, and LRA affected areas, he did not make much of a breakthrough because he did not have much personal influence over LRA leadership. But, Chisano is credited for having brought onboard envoys from South Africa, Kenya, Tanzania, Mozambique and DRC. Even when USA Senators pressured their political leadership to have a greater role in the talks, the Bush Administration appeared uncomfortable in pressuring the GoU to make

concessions with LRA leadership who had been declared terrorists and were wanted by the ICC to answer for war crimes (Finnstrom et al. 2006). Without the serious backing of the USA and Britain, the chances of having successful negotiations remained slim. Instead many outsiders supported the prosecution of LRA commanders who were wanted by the ICC.

Many outsiders did to know why the LRA were fighting until the leader of the LRA negotiation team Mr. Martin Ojul, tabled the LRA political agenda during the first meeting of the negotiations that included among others: political persecution and marginalization, deliberate imbalance and disparity in the development of our country; protection of the people's land against state-sponsored and state-backed land grabbers respect for and protection of cultural diversity; abuse of democratic principles; and good governance (Sunday Vision 2006). The international community believed that the issues presented by the LRA negotiation team did not represent the real reasons why LRA was still fighting. This was further emphasized by the GoU led team which articulated for a pure peace deal directly with Kony and not with the negotiating team. This explains why Kony did not trust the international community to be neutral during the Juba peace talks. It is reported that the US Secretary of State in Washington, put more pressure on the chief mediator to push the agreement to the conclusion forcing him to work day and night for a quick conclusion to the peace process (Young 2007). When the mediator was put under pressure, he was more concerned about accelerating the entire negotiations process in a bid to meet the set time deadlines and not the details of the negotiations.

The ICC arrest warrants was another outside factor. In order for the GoU to put more pressure on the LRA, it referred the atrocities committed by LRA to the ICC which

conducted investigations and unveiled arrest warrants in 2005 for the LRA's top commanders; Joseph Kony, Vincent Otti (killed by Kony in November 2007), Okot Odhiambo, Ogwen Dominic and Lukwiya Raska (killed by UPDF in August 2006). The issuing of arrest warrants changed the context of the Northern Uganda conflict. The LRA were not only forced to flee to Garamba to easily avoid arrest, but were also pressured to come to the negotiating table with a view of ensuring that they were not continuously looked for. Even when the negotiations were winding up, the LRA leadership insisted that without removing the arrest warrants, they would not sign the peace agreement and hence not ready to come out of the bush. This indicates how the LRA leadership was more concerned with personal safety during peace negotiations.

Most wealthy and influential people, who supported the LRA financially and acted as its political wing, were those living in the diaspora evidenced by the composition of the LRA negotiation team. Their long absence from Northern Uganda made people to believe that they were not in touch with the changing views and times of the LRA on the conflict. Their expectations of the outcome of the Juba peace talks were different from the expectations of the LRA. Jackson notes that the Acholi diaspora appeared to have no idea of what Kony sought from negotiations and there was a real question of legitimacy hanging over the group (Jackson 2009, 325).

Therefore, the outsiders had a positive effect on the failure of the peace talks. There is no doubt that the LRA leadership wished, and still hopes, to trade security with accountability which is not supported by the international community. From the above analysis, the outsider factor was one of the crucial factors that failed the Juba peace talks and therefore scores zero (0).

Leadership effect of the Warring Parties

For any peace negotiations to have good chances of succeeding, the role of the leaders of warring parties is crucial. It is clear that the character of LRA leadership was dominated by Joseph Kony who had a humble background. He was born in a remote village of Odeke in Gulu district and semi-illiterate. By the time of starting the LRA insurgency, he had been an altar catholic boy. He claims to have been blessed by the Acholi elders to fight on their behalf to overthrow the GoU to establish a new leadership based on the Ten Commandments. Due to his low level of education, Kony believes in spirits and hardly trusts anybody else apart from himself. He is the main brain behind all that the LRA stands for including tactics that often involve cutting off peoples' mouths and ears among others, and using machetes to stop them from reporting to the GoU. This consequently led to organized death of many people, millions traumatized or wounded in the internally displaced peoples' camps. The atrocities committed by the LRA were the biggest challenge of how they should be handled during the Juba peace negotiations. The Juba peace negotiations were split between ending the conflict and punishing the perpetrators. The LRA wanted complete impunity for the crimes they had committed and human rights violations as trade offs for peace (Kasaija, 2006).

The GoU, led by President Museveni, refused to recognize the LRA as a group with political interests representing the local population. This explains the many names he often called the LRA rebels; bandits, terrorists, rebels. Due to serious atrocities committed by the LRA, the GoU managed to persuade the international community to list the LRA as a terrorist organization. The President of Uganda was not willing to offer any concessions to the LRA because he was not under any pressure from the local and the

international community especially western countries. In fact, he believed that negotiations were the best opportunity for the LRA leadership for a soft landing. There were no efforts ever made to ensure the two leaders of the warring parties meet since they largely mistrusted each other and largely believed in military means of resolving the conflict.

The leaders of warring parties determine issues to discuss, the composition of negotiating teams and possible solutions. The leadership of the warring parties largely affected the outcome of the Juba peace process because the negotiations produced a document which leaders refused to sign and have since then resorted to military confrontations. This variable scores one (1) for its contribution to the failure of peace talks.

<div align="center">Pre-negotiating Conditions</div>

This involves setting the time frame for the negotiating process with realistic goals to be achieved. The intent of pre-negotiating conditions is to reduce intractability, formulate and design a process which will bring the warring parties to the negotiating table, and build trust and confidence that are crucial for further negotiations. The most vital question to answer is ―why are the warring parties coming to negotiate?" The genuine answer to this question forms the backbone of peace negotiations process. Even when the Juba peace negotiations started, the GoU continued to regard the LRA as having no legitimate political reasons for fighting. But, the fact that the LRA had continued militarily undefeated for over two decades showed that they had genuine reasons for their civil war. The GoU needed to accept the reality and treat LRA as an organization with genuine causes that needed to be discussed and be treated as equals.

This was not the case before and after the Juba peace talks. The negotiating team of the GoU did not expect to meet any genuine demands from the LRA team. This meant that the GoU team came to negotiation table not knowing the issues to discuss, with no adequate preparations demonstrating that the pre-negotiations were not conducive for further talks.

The Juba peace talks started when the LRA did not occupy any Ugandan territory. The LRA was outside Uganda in the jungles of DRC, hence there was no military stalemate between the LRA and the UPDF. By the time the of peace negotiations in 2006, the LRA had fought the GoU for roughly eighteen years, but with no capacity to militarily defend any area. They mainly used the tactics of hit and run, targeting soft targets and when they were pressured by the UPDF from their bases in Southern Sudan, they went to Eastern DRC in the Garamba National Park for safe hideouts. Being that was very far away, the LRA could not be pressured to face violations which they had committed during their presence in Northern Uganda and Southern Sudan.

The researcher argues that for any negotiations with the LRA to be effective, the LRA ought to have been occupying a certain territory in Uganda to pressurize the GoU towards compromises. This illustrates why the peace talks were bound to fail from the time they started in Juba. One can even argue that, the Juba peace efforts should have first focused on bringing the LRA leaders out of the bush to end the conflict, while political discussions should have been reserved for another phase of negotiations. This means that the pre-negotiating conditions were not conducive for the LRA to come to the negotiation table.

It was known from the beginning of peace talks that because of so many atrocities had been committed in Kony's name; he would never surrender not even through negotiations for fear of his life (Worden 2008). Unless special considerations had been addressed on how to handle Kony as an individual, there was no way he was going to accept the negotiations aimed at making him accountable for war crimes committed in his name. The ICC arrest warrant prevented the LRA leadership from sending the indicted LRA senior military members to participate in the negotiations. This denied the peace negotiations process strong negotiating parties with ability to make decisions. The indicted leaders feared to be arrested while participating in the peace negotiations hence making the negotiations very risky and challenging. The indicted leaders were not willing to risk everything through negotiations and concluded that more security was in prolonging the conflict. While negotiating protocols for accountability, Kony rejected any proposal that would subject him to answer for the crimes committed by the LRA. The ICC failed the negotiations process as was only interested in a westernized form of justice while the local population wanted the perpetrators to accept their crimes, show remorse by apologizing and asking for forgiveness through the traditional justice mechanism (Seguya 2010).

The LRA conflict persisted partly due to the presence of Acholi tribesmen who live on both sides of the Uganda-Sudan border. They helped the LRA with intelligence collection and organizing logistics and managed to link the LRA to the GoS as retaliation for Uganda's alleged support to the SPLA. Before peace talks began, there was need to confirm participation of the GoS in the peace process. This was vital because the GoS provided life support to the LRA and the need to consult the GoS was to convince them

to actively participate in the Juba peace negotiations process or stop any dealings with LRA. Some individuals in the GoS continued even to support the LRA in the jungles of DRC implying that before the negotiations started, enough ground work was done with the GoS to ensure that it was part of the peace negotiations process. It was only the GoS which would have had leverage over LRA leadership. There is no evidence that there were any efforts to bring the GoS on board to support the negotiations process.

While persuading the LRA leaders to accept peace talks with the GoU on 16 May 2006, Dr. Machar who later headed the mediation efforts gave the LRA three options; to negotiate peace with the GoU; to leave Southern Sudan; or to be militarily forced out of Sudan by the SPLA. The LRA preferred peace talks because they could not immediately open another war against the SPLA. One therefore concludes that peace negotiations were imposed on the LRA as a condition but not that they had changed heart to resolve the conflict peacefully. From the above analysis, this variable scores zero (0) for its impact leading to failure of the peace talks.

## Management of the Negotiations Process

During the negotiations process, the LRA negotiation team raised crucial issues which they thought formed the root causes of the civil war. The GoU negotiation team was not ready to discuss the root causes of the conflict and regarded those who insisted on discussing the historical causes as hardliners (Finnstrom et al. 2008). Without discussing the historical causes of the war, a negotiated settlement was not possible. Ideally, the mediator should have persuaded the GoU delegation to appreciate the importance of discussing the root causes of the war. Because, failing to acknowledge the root causes would mean that the LRA had no justified causes. But, after serious

considerations, crucial issues were covered in Agenda item no.2 called the Comprehensive Solutions.

The Juba peace process did not look at the Northern Uganda conflict in a broader picture. There was no reason for negotiating with the LRA rebels who were still armed, abducting children and attacking soft targets, especially civilians in the DRC. Though the process enabled the LRA to be pushed further away without interference from the UPDF, the fact that LRA remained armed during the negotiations meant that they were not only ready to negotiate but could not accept to be subjected to any form of accountability.

The LRA made civil conflict their way of life by continuously raiding shops, rooting money, controlling illegal trade and gaining access from external supporters. For the LRA conflict to be resolved through negotiations, the peace negotiations needed to give serious trade-offs that ranged from economic to security incentives. Otherwise, the LRA will continue to fight in order to provide security and protection to its top members which would be lost when negotiations succeed. Until the leader of the LRA is captured or killed, the conflict is very likely to continue (Vinci 2007, 337). The need to balance reconciliation with accountability was very challenging during the Juba peace talks.

The peace process was poorly managed and failed to bring all interested parties who had interest on board. The author concludes that most of those who were not on board became the spoilers and the variable scores zero (0) for its contribution to the failure of peace talks.

### Resources that Support the Peace Process

There are many reasons why a civil conflict takes a lot of time to reach at negotiations phase especially if you analyze what motivates either party to fight? There

are many internal parties who never wished the peace negotiations well from the

beginning because they were benefiting from the conflict. These are called ―conflict

entrepreneurs" who benefit from conflict continuation (Ottaway 2002). The GoU never

wanted to end the LRA insurgency in order to continuously use it to justify increased

defense budget allocations and expenditures aimed at getting increased diplomatic and

financial support from the World Bank, US, and other donors (Atkinson 2009, 9). This

meant that the GoU was using the LRA to solicit military aid from developed countries

and was not willing to allocate substantial resources to make the peace talks successful.

Apart from the GoU, there were many nongovernmental organizations and individuals

who were making abnormal profits from the LRA conflict. It is claimed that high ranking

UPDF military officials and humanitarian aid workers profited from the continuation of

the conflict and would do their best to spoil any peace process efforts (Atkinson 2009).

The war encouraged corruption activities in large payments like brokering the

purchasing of substandard equipment including helicopters. Some army officers profited

from inflating the number of soldiers in their units and thus ending pocketing their

entitlements (Keen 2008, 35). Even though the LRA originally had genuine grievances

for the conflict, it eventually changed to resource based. Definitely the LRA did not

control mineral resources, but opted to exploiting the population that gave the LRA

incentives and ability to sustain the conflict. The fact that the conflict existed for such a

long time illustrated how the local population supported the conflict through becoming a

source of forced recruitment that could be exchanged with military hardware with the

GoS (Bevan 2007, 334). The LRA also conducted a lot of looting for many years in

search for survival by targeting villages and trucks with goods including those from humanitarian aid organizations.

There were no countries willing to give lump sum financially support to the peace negotiations process because the LRA was viewed as a terrorist organization whose leaders should be arrested and aligned before the criminal court. Therefore, during the peace negotiations process, negotiators should have considered the factors that had sustained the conflict. Even though one could argue that the LRA exploited the population as a resource, it cannot be enough to explain why they engaged in negotiations, but never signed an agreement. One can therefore conclude that the resource had less effect on leading to the failure of negotiations and due to its less impact, it is awarded one (1).

Table 3.    Summary of the Scores of the Variables

| Analysis of the Variables | N. Uganda |
|---|---|
| Effective mediation | (0) |
| Character and capacity of negotiating teams | (0) |
| Influence of outsiders | (0) |
| Leadership effect of warring parties | (1) |
| Pre-negotiating conditions | (0) |
| Management of the negotiations process | (0) |
| Resources that support the peace process | (1) |

*Source*: Created by the author.

From the above table, the study found out that the factors responsible for the failure of Juba peace negotiations were: lack of effective mediation, poor negotiating teams, lack of outside support, unfavorable pre-negotiating conditions and the poor management of the peace process. The reasons why warring parties came to the

negotiating table were not for peace, but just a strategy to buy time. The warring parties had different interests and the pre-negotiating conditions were not favorable for any peaceful resolution. The mediation team lacked experience and support to compel the warring parties to pursue peace.

<p style="text-align:center"><u>Summary of the Peace negotiations processes</u></p>

The general analysis of the factors affecting peace negotiations in sub-Saharan Africa based on two case studies is summarized in table 4. While no single factor can be held responsible for the outcome of peace negotiations, effective mediation, strong external support, strong negotiating teams, pre-negotiating conditions (timing) and effective management of the peace process combine to make the peace process either successful or failure. However, the leadership of warring parties and resources that support peace negotiations impact less on influencing the outcome. This is because leaders were blamed for the start of the conflict and conflicts have got their own way of sustainment. Therefore, the input of the two factors to the success of the peace negotiations was found to be minimal.

Table 4.   Summary of the Matrix Score of the Variables Analyzed

| Variables to be Analyzed | N-S Sudan (CPA) | N. Uganda ( Juba) |
|---|---|---|
| Effective mediation | 1 | 0 |
| Character and capacity of negotiating teams | 1 | 0 |
| Influence of outsiders | 1 | 0 |
| Leadership effect of warring parties | 0 | 1 |
| Pre-negotiating conditions | 1 | 0 |
| Management of negotiations process | 1 | 0 |
| Resources that support the peace process | 0 | 1 |

*Source*: Initiated by author.

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

The purpose of this thesis is to identify the factors that, when available and applied at appropriate time, will enable peace negotiations to resolve armed conflicts leading to long term political settlement in sub-Saharan Africa. The study uses the 2005 CPA between GoS and SPLM as a case study for successful negotiations and the 2006 to 2008 Juba peace negotiations to resolve the Northern Uganda conflict as a case study for failed negotiations.

The primary question is what factors enable peace negotiations to resolve armed conflicts leading to long term political settlement in sub-Saharan Africa? To answer the primary question, two case studies were analyzed using the same variables to determine the effect of each variable on the outcome of peace negotiations process. The variables analyzed were the: effective mediation, capacity and character of negotiating teams, outsiders, leadership effect of the warring parties, pre-negotiating conditions, management of the peace process, and resources that facilitate the peace process. This chapter therefore presents the conclusions of the study with recommendations and areas for further research.

Conclusion

As table 4 shows, it is difficult to identify any one factor as guaranteeing a successful outcome to the negotiating process. Negotiating is more than just mediating between warring parties to reach an integrative agreement on the issues that divide the warring parties. This is because peace negotiations processes are complex successions of

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transformations, punctuated by several turning and sticking points. At different stages in the peace process, transformations were found in context, actors, issues, people involved and the structure of the conflict. The study concludes that no single factor can determine the outcome of negotiations but the following factors combine to enable peace negotiations succeed in resolving conflicts: pre-negotiating conditions; composition of negotiating teams; effective mediation; controlling outside influence; and management of the negotiations process.

Pre-negotiating conditions were crucial for the success of 2005 CPA because warring parties came to the negotiating table after they had reached a military stalemate. The SPLA occupied and controlled a large territory in the South (see figure 2) while the GoS remained in the North. Both parties understood that further armed confrontations amongst themselves were dangerous to all and recognized that negotiations were the only option. This forced the warring parties to arrive at compromises that led to the agreement and respected each others' views during the negotiations. None of the warring parties were indicted for war crimes. The pre-negotiating conditions allowed negotiating teams to prepare and make consultations for negotiations purposes. This was not the case with the Juba peace negotiations. The warring parties had not reached a military stalemate and did not have faith in peacefully resolving the conflict. One of the warring parties was indicted for the war crimes by the ICC which hindered effective negotiations in Juba.

Negotiating teams were crucial in discussing background causes that led to the North-South Sudan civil war. The negotiating teams for the 2005 CPA were comprised of politicians who were knowledgeable about the conflict. The strong and powerful negotiating teams ensured that all causes of the conflict were discussed during the

negotiations process. They, however, avoided controversial issues of accountability by focusing on the need to end the conflict first and not seeking justice. This was reflected in referring controversial issues, like the status of the Abyei region to the future. Raising issues of accountability and reconciliation complicated the Juba peace negotiations process because it started the blame game. The Juba peace talks failed because negotiating teams focused on punishing one of the warring parties while discussing accountability issues. The accountability issues, which became part of the negotiations process, threatened the security of the LRA rebels. They therefore found it more secure to continue fighting instead of giving up their arms. Therefore the clash between peace and justice was very dangerous and should have been avoided during the Juba peace negotiations.

Effective mediation team efforts during the North-South Sudan negotiations demonstrated that they understood the warring parties very well especially why they were opting for the negotiating table. The mediation team was comprised of experts who had international experience in mediating conflicts and were able to compel the leadership of both warring parties to meet during the peace negotiations process to get acquainted with the progress of the negotiations. This gave them leverage over the warring parties. The lead mediator was knowledgeable about the background causes of the conflict which enabled him to handle potential peace spoilers by excluding them from participating in the negotiations process. The mediation team was respected by the warring parties and was largely seen to be neutral. At the end of negotiations, the situation appeared a win-win situation for all warring parties. The Juba peace talks had a weak mediation team that

had no leverage over the warring parties. The Juba mediation team lacked experience and was seen as a meddler for failing to protect the peace talks from spoilers.

The influence of outsiders was crucial during the North-South Sudan negotiations process. Regional organizations like the IGAD and the AU as well as the international community encouraged and supported the North-South Sudan peace negotiations process. Western countries, led by USA and UK, financially supported the peace process. Their involvement built confidence, curbed mistrust between warring parties, and ensured commitment to the peace process. The Juba peace negotiations were not supported by the international community because one of the warring parties (the LRA), had been indicted by the ICC for war crimes. This led the LRA leadership to mistrust the whole peace process. When the peace talks ended, the situation looked like a win-loss against the LRA which led them to refuse signing the final agreement. Apart from the warring parties, there were other actors like the GoS with interests which were not considered during the Juba peace negotiations and subsequently affected the outcome of the peace process.

The study also concluded that the leadership of warring parties and the resources that support the peace process had less impact on the outcome of the peace. Than would reasonably be expected. The leadership of all warring parties in both cases were forced to the negotiations table by other factors other than the desire to peacefully resolve the conflict. This is in contrast to some literature which had indicated that leadership plays an important role for the success of the negotiations. The study concluded that the financial resources that facilitated the negotiations process had minimal impact on the outcome of the peace process. While it is agreed that a reasonable level of resources is needed to

facilitate effective negotiations, this study indicates that this variable alone may not be as critical as originally thought.

<div align="center">Recommendations</div>

The following recommendations are derived from analysis and conclusions in order to enhance future peace negotiations to resolve armed conflicts leading to long term political settlement in sub-Saharan Africa.

1. International Support. When conflicts have reached a military stalemate, mediation efforts should have both national and international support to ensure the negotiations take the shortest time possible, build confidence and trust amongst warring parties. This makes timing very important for negotiations to be successful.

2. Effective mediation. Mediators should have leverage over all warring parties; possess expertise in handling negotiations and have an understanding of the background causes of the conflict. This will position the warring parties in to a corner from which the only way out is conceding to negotiations through many compromises that eventually lead to an agreement. Effective mediation ensures that spoilers are identified and handled for negotiations to remain focused.

3. Pre-Negotiating conditions determine why the warring parties come to the negotiating table. They determine the clear end state of securing the peace and not just justice. This is only possible when the warring parties have reached a military stalemate. They influence the composition of negotiating teams to

discuss the crucial issues that led to the conflict, thus building trust and confidence.

4. Effective management of the peace process guides the negotiating and mediating teams through contentious and administrative issues which are likely to affect the outcome. The management of the peace process enables the leaders of warring parties to meet and participate in later stages of negotiations. This makes active cooperation and communication between warring parties crucial. As negotiations start, management should create more avenues for open communication that compels the leaders of warring parties to compromise positions. This gives the negotiations process public legitimacy, trust and confidence brought through the widest participation. The people most affected by the conflict should be able to pressure the warring parties to give them peace.

5. Strong negotiating teams with the capacity to discuss and make decisions on the contentious issues are crucial to success. This requires the team members to be knowledgeable on the background causes of the conflict. The team should be all inclusive of all parties affected by the conflict. Negotiating teams should have compromise positions on contentious issues.

6. The study recommends that the leadership of warring parties and resources that support the peace process are not essential for the success of peace negotiations. Even though they play some roles, they are not essential for the success of peace negotiations. Leaders of warring parties will often be pressured to peace negotiations by other factors like the international

community, regional organizations, neighboring countries, and civil society organizations. The financial resources support the negotiations process but do not significantly influence the outcome of the negotiations.

<p style="text-align:center">Recommended Areas for Further Study</p>

It is not easy to analyze the case studies of peace negotiations and determine what factors enable the success or failure of peace negotiations. It is thus recommended that research should be done to establish how to further strengthen peace negotiation efforts as this thesis is not conclusive. This thesis used two case studies to arrive at conclusions but there is a need to interview people who have been actively involved in previous peace negotiations in order to deny or confirm the findings of this study. The study should comprehensively cover whether the warring factions, who are responsible for peoples' suffering, should represent the very people affected by conflict at the negotiations table.

Despite UN Security Council resolution 1325 recommending active women participation in peace negotiations and peace process, there is no evidence of women taking up the mediation role. No woman has been appointed Chief/Lead mediator, and very few have been members of mediation teams. So what should be the role of local population, especially political women, before and during the negotiations process?

There is need for detailed study aimed at developing a peace negotiations model that should always be followed during negotiations. Different methodologies are likely to provide more reliable analysis than just using case studies. There are some studies that recommend phasing negotiations but are not clear on how it should be done. This needs further study on how it can be made possible.

There is need to study measures of progress during peace negotiations. The researcher did not come across any study that developed the indicators for measuring progress during negotiations. These are important for guiding the peace negotiating and mediating teams through contentious issues.

APPENDIX A

A Summary of the Comprehensive Peace Agreement on Sudan (Conciliation resources 2005)

**Machakos Protocal (2002)**

-A six-year interim period [dated from 9 July 2005] is established during which the southern Sudanese will have the right to govern affairs in their region and participate equitably in the national government.

-Peace implementation is to be conducted in ways that make unity of Sudan attractive.

-After the interim period, southern Sudan will have the right to vote in an internationally monitored referendum either to confirm Sudan's unity or vote for secession.

-Sharia law is to remain applicable in the north and parts of the constitution are to be rewritten so that Sharia does not apply to any non-Muslims throughout Sudan. The status of Sharia in Khartoum is to be decided by an elected assembly.

**Power Sharing (2004)**

-Sudan will have both a national government with representation from both sides of the north-south conflict, and a separate Government of Southern Sudan (GoSS). The Southern Sudan Constitution and state constitution must comply with the Interim National Constitution.

-A Government of National Unity is to be formed. There shall be a decentralized system of government, granting more power to individual States.

-Positions in the Governments are to be split 70:30 in favour of the NCP in northern states (20 percent for other northern parties and 10 percent for the SPLM) and 70:30 in favour of the SPLM in southern states (15 percent for other southern parties and 15 percent for the (NCP). In Abyei, the Blue Nile State and Nuba Mountains the division will be 55 percent for the NCP and 45 percent for the SPLM.

-The executive will consist of the Presidency and the Council of Ministers. Two Vice-Presidents will be appointed by the President. The First Vice President is the Chair of the SPLM.

-Abicameral national legislature will be established: the National Assembly will be comprised of specific percentages (NCP 52 percent SPLM 28 percent other northern parties 14 percent other southern parties 6 percent); two representatives from each state will be represented in the Council of States. Elections will be held by the end of the third year of the interim period.

**Wealth Sharing (2004)**

-A national Land Commission Southern Sudan Land Commission and state land commissions are to be established. A National Petroleum Commission is to be established to manage petroleum resources.

-2 percent of oil revenue will go to oil-producing states in southern Sudan in proportion to their output. The remaining net revenue will be divided evenly with 50 percent allocated to the GOSS and 50 percent allocated to the national government. The GOSS has no power to negotiate any of the oil leases granted by the national government prior to the CPA.

-The national Government is able to collect revenue from personal income, corporate and customs taxes; the GOSS can collect revenue from personal income taxes, luxury taxes and business taxes in southern Sudan. Taxes that can be collected by states are also outlined. A commission to ensure the transparency of collection and use of revenues will be formed.

-Two banking systems will be formed in the two areas, with the Bank of Southern Sudan as a branch of the Central Bank of Sudan. Essentially, the dual banking system means that banks will be commonly stationed with two different windows for service.

-Two separate currencies in the north and south are to be recognized until the Central Bank has designed a new currency that reflects the cultural diversity of Sudan.

-National and southern funds for reconstruction and development will be established along with two multi-donor trust funds.

**The resolution of the Abyei conflict (2004)**

-Abyei will be accorded special administrative status during the interim period, following the definition of the Abyei areas by the Abyei Border Commission.

-Abyei will have representation in the legislature of Southern Kordofan and Warap states; at the end of the six-year interim period, Abyei residents will vote in a referendum either to maintain special administrative status in the north or to become part of Bahr al-Ghazal (Warap) state in the south.

-Wealth-sharing of oil revenues from Abyei is to be split between the north and south (50:42) with small percentages of revenues allocated to other states and ethnic groups: 2% each to: the Ngok Dinka people, the Misseriyya people, Bahr al-Ghazal (Warap) state, and 1% each to Southern Kordofan state (SKS) and the Western Kordofan sub-state component of SKS.

-The resolution of the conflict in Southern Kordofan and Blue Nile States (2004).

-The two states two states will be represented at the national level in proportion to their population size. At the state level, the NCP will comprise 55% and the SPLM 45% of the State Executive and State Legislature.

-Southern Kordofan State (SKS): the southern portion of West Kordofan State (WKS) will be incorporated into the SKS. The state legislature will have 36 members from the SKS component and 18 from the former WKS component, subject to readjustment following a census. The state executive will have 7 from SKS and 4 from WKS. Al-Fula will have branches of all state ministries and institutions headed by a deputy. The legislature will convene sessions alternatively at Kadugli and Al-Fula.

-Governorship of each state shall rotate between the NCP and SPLM during the interim period.

**Wealth sharing:** the 2% of SKS oil due to the state is to be shared between the two state components. The 2% share of Abyei's oil due to the state shall be equally divided between two state components. The 2% forming the Misseriyya share in Abyei oil shall benefit the previous Western Kordofan component.

The legislature of the two states will evaluate the implementation of the CPA.

State Land Commissions are to be established (in case decision clashes with National Land Commission and cannot be reconciled, the Constitutional Court will decide the matter).

**Security Arrangements (2003 & 2004)**

-During the six-year interim period, Joint Integrated Units (JIUs) of 21,000 soldiers are to be formed with equal numbers from the Sudan Armed Forces (SAF) and the SPLA. They are to be deployed to sensitive areas such as the three disputed areas and will be commonly stationed but maintain separate command and control structures. If, after the interim period, the south decides to secede, the JIUs will unify into a 39,000 strong force.

-The SAF and the SPLA will also continue to operate as separate armies with both considered part of Sudan's National Armed Forces. Each army is to be downsized and the parties are to implement demobilization, disarmament and reintegration (DDR) programmes. No other armed group will be tolerated outside the umbrella of the three services.

-There is to be a redeployment of 91,000 SAF troops from the south to north within 2 years. The SPLA has 8 months to withdraw its force from the north.

-A permanent cessation of hostilities is provided for, detailing disengagement and the creation of various committees for enforcement and oversight.

-DDR and reconciliation are provided for through a number of Commissions.

-Monitoring is to be carried out by a UN mission to support implementation, as provided for under Chapter VI of the UN Charter.

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